

**FRONT-LINE DEFENSE: SECURITY TRAINING FOR
MASS TRANSIT AND RAIL EMPLOYEES**

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC
SECURITY, INFRASTRUCTURE
PROTECTION, AND CYBERSECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

SEPTEMBER 28, 2006

Serial No. 109-107

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpoaccess.gov/congress/index.html>

U.S. GOVERNMENT PRINTING OFFICE

35-629 PDF

WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

DON YOUNG, Alaska	BENNIE G. THOMPSON, Mississippi
LAMAR S. SMITH, Texas	LORETTA SANCHEZ, California
CURT WELDON, Pennsylvania	EDWARD J. MARKEY, Massachusetts
CHRISTOPHER SHAYS, Connecticut	NORMAN D. DICKS, Washington
JOHN LINDER, Georgia	JANE HARMAN, California
MARK E. SOUDER, Indiana	PETER A. DEFAZIO, Oregon
TOM DAVIS, Virginia	NITA M. LOWEY, New York
DANIEL E. LUNGREN, California	ELEANOR HOLMES NORTON, District of Columbia
JIM GIBBONS, Nevada	ZOE LOFGREN, California
ROB SIMMONS, Connecticut	SHEILA JACKSON-LEE, Texas
MIKE ROGERS, Alabama	BILL PASCRELL, JR., New Jersey
STEVAN PEARCE, New Mexico	DONNA M. CHRISTENSEN, U.S. Virgin Islands
KATHERINE HARRIS, Florida	BOB ETHERIDGE, North Carolina
BOBBY JINDAL, Louisiana	JAMES R. LANGEVIN, Rhode Island
DAVE G. REICHERT, Washington	KENDRICK B. MEEK, Florida
MICHAEL MCCAUL, Texas	
CHARLIE DENT, Pennsylvania	
GINNY BROWN-WAITE, Florida	

SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND
CYBERSECURITY

DANIEL E. LUNGREN, California, *Chairman*

DON YOUNG, Alaska	LORETTA SANCHEZ, California
LAMAR S. SMITH, Texas	EDWARD J. MARKEY, Massachusetts
JOHN LINDER, Georgia	NORMAN D. DICKS, Washington
MARK E. SOUDER, Indiana	PETER A. DEFAZIO, Oregon
MIKE ROGERS, Alabama	ZOE LOFGREN, California
STEVAN PEARCE, New Mexico	SHEILA JACKSON-LEE, Texas
KATHERINE HARRIS, Florida	JAMES R. LANGEVIN, Rhode Island
BOBBY JINDAL, Louisiana	BENNIE G. THOMPSON, Mississippi (<i>ex officio</i>)
PETER T. KING, New York (<i>ex officio</i>)	

CONTENTS

	Page
STATEMENTS	
The Honorable Daniel E. Lungren, a Representative in Congress From the State of California, and Chairman, Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity	1
The Honorable Loretta Sanchez, a Representative in Congress From the State of California, and Ranking Member, Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity	15
The Honorable Norman D. Dicks, a Representative in Congress From the State of Washington	19
The Honorable James R. Langevin, a Representative in Congress From the State Rhode Island	2
WITNESSES	
Mr. William Fagan, Director of Security, Federal Railroad Administration	18
Mr. Terry Rosapep, Deputy Associate Administrator, Office of Program Management, Federal Transit Agency:	
Oral Statement	7
Prepared Statement	9
Mr. John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration:	
Oral Statement	3
Prepared Statement	5
PANEL II	
Mr. Edward Hamberger, President & CEO, American Association of Railroads:	
Oral Statement	38
Prepared Statement	40
Chief Polly Hanson, Metro Transit Police Department, Washington Metro Area Transit Authority:	
Oral Statement	34
Prepared Statement	36
Mr. John P. Tolman, Vice President and National Legislative Representative, Brotherhood of Locomotive Engineers:	
Oral Statement	31
Prepared Statement	32
Mr. Ed Wytkind, President, Transportation Trades Department, AFL-CIO:	
Oral Statement	25
Prepared Statement	27

FRONT-LINE DEFENSE: SECURITY TRAINING FOR MASS TRANSIT AND RAIL EMPLOYEES

Thursday, September 27, 2006

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON ECONOMIC SECURITY, INFRASTRUCTURE
PROTECTION, AND CYBERSECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:21 a.m., in Room 311, Cannon House Office Building, Hon. Dan Lungren [chairman of the subcommittee] presiding.

Present: Representatives Lungren, Sanchez, Dicks, and Langevin.

Mr. LUNGREN. [Presiding.] The Committee on Homeland Security's Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity will come to order.

The subcommittee is meeting today to discuss security training for mass transit and rail employees. And I would like to thank everyone for being here today, especially our witnesses.

We meet today to discuss security training programs for rail and mass transit agencies. The importance of railroads and mass transit to our daily lives and national economy cannot be overstated. Mass transit commuter rail and freight rail are responsible for moving millions of people every day and for delivering thousands of freight shipments across the country.

The subcommittee has looked at the security of these important systems in a variety of ways. Last year, in the aftermath of the London subway attacks, we looked at the vulnerabilities of soft targets, including public transportation, and the security measures being taken to protect them. We also looked at the various ways the DHS and our rail and transit agencies were working to prevent a terrorist attack from ever occurring.

Today we address another important component of our security, and that is training. Thousands of employees have been trained in the years since 9/11 on security issues, and these include police officers, emergency responders, management security officers, and sometimes front-line employees.

We know that, in the event of an attack on our rail or mass transit facilities, employees will often be the first people impacted by the event. They will play a key role in managing the terror aftermath, evacuating civilians and providing first aid, which could significantly reduce the number of lives lost.

In addition, rail and transit employees are an important part in the fight to prevent an attack from ever occurring. Employees such

as operators, drivers, clerks, mechanics and other front-line employees are valuable allies, watching for suspicious activity and packages. These employees, who know their surroundings and work environment, are well-suited to identify when something or someone does not belong.

It is important to note that much discussion has been given to security-specific training. And I just want to recognize that employees oftentimes receive other forms of training that may serve a dual purpose, such as emergency response training, which is applicable whether the incident was a terrorist attack or an accident.

Our goal today is to hear what the federal government has been doing to provide employee training on security. In some instances, our transportation systems have gone beyond what the federal government has offered and have developed their own training courses. We look forward to learning about these, as well.

Security training for employees is an important part of the overall effort to implement layered security measures. And I look forward to the testimony today about the numerous efforts to train employees to recognize and respond to potential security problems.

And I certainly thank our witnesses for being here.

And I would recognize the only other member of the subcommittee here, Mr. Langevin, if he has any comments at this time.

Mr. LANGEVIN. Thank you, Mr. Chairman.

And I want to welcome our witnesses here today. I look forward to your testimony on this very important topic.

And I am pleased that this subcommittee is holding a hearing on security training for mass transit and rail employees.

I, along with many of my colleagues, particularly Ms. Sanchez, have been very concerned about the fact that most mass transit and rail employees are not receiving comprehensive training on how to recognize and report potential threats, also to protect themselves and passengers, and to respond if there is an incident.

Over the last 5 years, Congress has done a lot of talking about supporting first responders and providing them with the tools that they need. But when it comes to rail security, we must remember that, in the bombings of mass transit and rail systems in Madrid, London and Mumbai, the first people on the scene were transportation workers.

In the critical first few minutes after an incident, transportation workers who have received adequate training can help save lives and mitigate the damage of an attack. The knowledge and experience that transportation workers have about their workplace is a critical resource in responding to an incident.

We need to maximize the first-responder potential of all rail and mass transit employees by ensuring that they receive substantive security training.

For this reason, I know my colleague Ms. Sanchez has proposed an amendment to the Transportation Security Authorization Bill that would have required rail and mass transit systems to establish security training programs for their workers. And during the discussion of this amendment, both Chairman King and Chairman Lungren indicated that they wanted to learn more about this im-

portant topic before acting. And so, we agreed to hold this hearing today.

So I am pleased that we are able to consider this important topic before the October recess. And I am looking forward to discussion on all of the issues relating to employee training.

And I want to thank, again, the witnesses for being here to share your insights and also, in particular, thank Chairman Lungren for holding this hearing.

Thank you, Mr. Chairman. I yield back.

Mr. LUNGREN. Thank you very much, Mr. Langevin.

And other members of the committee are reminded that opening statements may be submitted for the record.

We are pleased to have two panels of distinguished witnesses before us today on this important topic.

And I would just remind the witnesses that your entire written statements will appear in the record, and we would ask you to make opening 5-minute summaries of your statements.

The chair would now recognize the first panel and ask Mr. John Sammon, the assistant administrator of the Transportation Sector Network Management Office at TSA, the Transportation Security Administration, to testify.

**STATEMENT OF JOHN SAMMON, ASSISTANT ADMINISTRATOR,
TRANSPORTATION SECTOR NETWORK MANAGEMENT,
TRANSPORTATION SECURITY ADMINISTRATION**

Mr. SAMMON. Thank you.

Good morning, Mr. Chairman and members of the subcommittee. I am pleased to have this opportunity to testify on the important subject of security training for freight rail, mass transit, and passenger rail employees.

I would like to highlight some of the important steps TSA is taking in partnership with DHS, DOT, state and local governments, and industry to ensure these employees receive the best training possible to protect themselves, the public, and the rail and mass transit systems.

I first would like to introduce myself to the committee. I am the assistant administrator of TSA for the Office of Transportation Sector Network Management. TSA created that office in 2005 to open a direct line of communication and foster cooperation with the industry across 10 different modes of transportation, including mass transit and freight rail.

Prior to joining TSA, I worked for more than 25 years in the transportation industry, including positions as senior vice president at CSX and Conrail. In these positions, I gained valuable experience working with network and customer partners to get things done.

The Department of Homeland Security pursues a layered approach to security and transportation, including transit and rail security. The effort starts with gathering effective data analysis and dissemination of intelligence. The recent disruption of the terror plot in the United Kingdom and the developing plot targeting the underwater tunnels in New York and New Jersey illustrate the necessity of that approach.

The best defenses are preventing the terrorists from ever reaching their targets and by creating visible, unpredictable deterrence environments to disrupt their planning capabilities.

Transit and rail employees are part of America's first line of defense, and will be among our first responders in the event of a terrorist attack or other disruption in the transit system. We depend on their vigilance and observations to detect indicators of a developing plan or attack.

The actions taken by these individuals in the critical moments immediately after an attack or disruption can significantly reduce the severity of injuries and the number of deaths. As a result, there is simply no substitute for security awareness and emergency response training for the nation's transit and rail employees.

We must rely on and cultivate human capabilities to prevent, deter, detect and respond to security threats. These skills can be acquired through extensive training, rigorous emergency planning, and regular emergency testing and drills.

We recognize that TSA and the transit and rail industry need to provide more training for more employees. While there are a number of cooperative initiatives being undertaken, the real story comes with the Transit Security Grant Program.

It is TSA's intention to leverage this program to ensure that qualifying systems meet certain baseline standards. These standards include front-line employee awareness training, front-line employee response training, and emergency drill training; these in addition to incident response plans, vulnerability assessments, mitigation plans, invisible/unpredictable deterrence programs.

By leveraging in excess of \$100 million in security grants in fiscal year 2006 and \$175 million in fiscal year 2007, TSA can focus the transit agencies on training before technology. And we can use that transit grant funding to bring training up to baseline standards across the nation.

TSA is acutely aware of the importance of training in the freight rail area. And this year, in conjunction with DOT, we issued a list of recommended security action items for rail carriers for the transport of toxic inhalation hazard materials. The list included recommendations that relate directly to continued education and training.

Four video training modules have been developed by the railroad industry over the past several years, covering security awareness training. These video training modules help front-line employees identify potential security breaches, threats, risks, and underscore the importance of reporting.

Our general manager of freight rail has over 30 years of field operating experience in the railroad industry as general manager and vice president. He has directed our rail inspectors to conduct an initial assessment of how well the classroom training translates to security compliance in the day-to-day activities of the front-line employees. This assessment will include all rail carriers that transport toxic inhalation railcar shipments.

In addition to the rail industry's training program, we are currently developing an interactive training program on the recognition of explosive devices on railcars and rail property. This will be made available to the rail carriers at no cost in the coming months.

In summary, we value the critical role that Congress, and especially this subcommittee, plays in the effort to protect rail security. We look forward to working with you in the future to achieve this goal.

Thank you. And I would be pleased to respond to any questions later.

[The statement of Mr. Sammon follows:]

PREPARED STATEMENT OF JOHN P. SAMMON

Good morning Mr. Chairman, Ranking Member Sanchez, and Members of the Subcommittee. I am pleased to have this opportunity to testify on the important subject of security training for freight rail, mass transit, and passenger rail employees.

America has some form of rail transit (i.e., some combination of subway, light rail and/or commuter rail systems) in 30 cities in 22 states. These systems provide 11.3 million passenger trips each weekday. In fact, of the 3.5 billion rail trips taken annually, 77 percent are on heavy rail systems, more commonly known as subways. As you know, public transportation is inherently an open, accessible system intended to help people move rapidly and efficiently between home and work, shopping, medical care, and other community activities on a daily basis.

Federal Rail Transit Security Initiatives Since 9/11

Immediately following September 11, 2001, the Federal Transit Administration (FTA) of the Department of Transportation (DOT) undertook an aggressive nationwide security program and led the initial Federal effort on transit security. The initial response included conducting threat and vulnerability assessments in 37 large transit systems, 30 of which carry almost 90 percent of all transit riders. The assessments gave us a comprehensive view of transit system readiness, vulnerabilities, and consequences and identified the three important areas that continue to form the fundamental baseline of transit security: employee training, public awareness and emergency preparedness. TSA continues to build upon these fundamentals.

In 2002, to help guide transit agency priorities, FTA issued a Top 20 Security Action Item List to improve transit safety and security operations, particularly with regard to employee training, public awareness, and emergency preparedness. In a joint effort coordinated with the Mass Transit Sector Coordinating Council, TSA and FTA revised the Security Action Items this year.

The Role of Transit Employees in Transit Security

Transit employees are part of America's first line of defense and will be our first responders in the event of a terrorist attack or other emergency on a transit system. Their vigilant observations may detect indicators of a developing plan or attack. Their actions taken in the critical moments immediately after an attack or an emergency can significantly reduce the severity of injuries and the number of deaths that result. As a result, there is simply no substitute for security awareness and emergency response training for transit employees. We must rely on—and cultivate—human capabilities to prevent, detect, and respond to security threats.

The 400,000-plus transit employees throughout America are the “eyes and ears” of our most important security system. Transit employees travel the same routes, maintain the same facilities, and see the same people every day as they go about their duties. They are in the best position to identify unusual packages, suspicious substances, and people who are acting suspiciously. But they need to develop an understanding of what to look for and skills in how to respond. These skills can be acquired through extensive training, rigorous emergency planning, and regular emergency testing and drills.

Rail Transit Security Training Initiatives at TSA

I want to affirm that training remains a core fundamental for TSA. We understand that training and preparedness are critical if transit agencies are to respond appropriately to a terrorist attack or a natural disaster. We recognize that TSA and the transit industry need to provide more training for more employees to realize our goal of thoroughly integrating security awareness training as part of the security paradigm.

In fiscal year 2006, TSA provided nearly \$1.5 million in direct financial support for the implementation and continuing development of programs to enhance transit security, most notably security training for transit employees. Of the allocation, \$1,196,000 enables expansion of multiple Federal training programs that have come

to be recognized for their quality and are widely used by transit systems. This funding will enable an additional 22 courses on Counter-Terrorism Strategies and the FTA developed Terrorist Activity Recognition and Reaction to be held over the next year. We continue to focus on training that outlines for transit employees actions that can be taken in the minutes preceding and immediately after an event that are crucial to mitigating the potential impact. Timely decisions by an operator or controller to determine whether to evacuate a train station or take it to the next station in the midst of a chemical event for example, are vital choices that dramatically affect the impact of an attack. TSA is funding an incident management course for operations control center personnel that will equip them with the skills to take operational actions to respond to a chemical, biological, or explosive incident. TSA's Surface Transportation Security Inspectors help facilitate the availability of course offerings to transit system security officials.

TSA has a key role in awarding the \$143 million for the 2006 Transit Security Grant (TSGP) and Intercity Rail Security Grant Programs. Working in concert with our partners, TSA has worked to streamline the TSGP process, ensure that the resources are focused on key risk reduction priorities. One of the security priorities emphasized in the 2006 TSGP is the expansion of employee training programs that emphasize basic security awareness for front line employees, equipment familiarization, incident severity assessing and reporting, crew communication and coordination, operational response and evacuation procedures. As we move into the next cycle of grant allocations, TSA wants to ensure that transit agencies have implemented all the fundamentals before investments are made in other projects that do not have the return on investment that fundamental training programs provide. To date, we have awarded almost \$400 million over the last three years with training as one of the key focus areas.

Congress authorized and funded TSA to hire 100 Surface Transportation Security Inspectors (STSI's), which we completed in October 2005. Our inspectors are in the field every day across the country, working to raise the baseline of security throughout the industry. To date, our inspectors have surveyed and assessed over 750 properties. They have an assessment tool that measures an agency's level of training for frontline staff and other personnel in addition to monitoring other key security action items. Further, TSA's STSI's are also empowered to provide federal assistance through existing programs to help local agencies improve their security standards. Some of the assistance that is offered includes Visible Intermodal Protection Response teams, explosive detection canine assistance, joint public awareness campaigns, and exercise and drill expertise.

Through our work with the Federal Law Enforcement Training Center (FLETC) TSA has trained over 480 law enforcement officers, transit police, transit system security directors and security coordinators, and other first responders through the Land Transportation Anti-Terrorism Training Program. This program provides training to local authorities in protecting land transportation infrastructure including rail, light rail, mass transit, and bus operations. Areas of focus include security planning, transit system vulnerabilities, contingency planning, recognition and response for threats involving explosives and weapons of mass destruction, and crisis and consequence management. In Fiscal Year 2006 alone, 240 persons have completed the program.

TSA will continue to monitor the level of industry compliance with the baseline security action items. The results of these assessments will determine if additional regulatory steps are needed to ensure that a strong security baseline including a well trained workforce is in place.

TSA remains mindful that it must have a layered approach to security. We understand that information sharing, both classified and unclassified, is a critical component to working with industry to prevent and respond to attacks. We have made significant improvements in our ability to communicate with transit agencies. TSA communicates with the top 100 transit agencies regularly. We are working aggressively to expand access to secure phones so that we can provide them access to sensitive threat information in real time. Another layer is the use of canine teams in transit systems.

Currently, we have 33 canine teams deployed in 11 systems and we expect additional agencies will be added to our canine program this year. We also appreciate your support in providing funding requested in FY 2007 to support Transit Watch, a program that encourages public awareness and preparedness. We will continue to add measures and support programs to enhance a layered security approach prioritize training among the many measures systems can take.

Freight Rail Security Training Initiatives

TSA is acutely aware of the importance of security training in the freight rail arena. This year, in conjunction with DOT, we issued a list of recommended security action items to rail carriers for the transport of toxic inhalation hazard (TIH) materials. Included in these security action items are recommendations that directly relate to continued education and training. We are currently developing a CD-ROM based interactive training program on the recognition of improvised explosive devices on railcars and on railroad property. This training will be made available to rail carriers at no cost in the next couple of months.

TSA, other DHS components, and the Federal Railroad Administration (FRA), in cooperation with affected railroads, conduct high threat urban area (HTUA) assessments in order to identify the vulnerabilities of selected urban areas where TIH shipments are moved in significant quantity. TSA has developed a risk assessment tool in coordination with railroad owners and operators and federal agencies participating in the HTUAs. TSA has provided a comprehensive training program for railroad security directors to effectively use this tool. TSA has also developed a Rail Corridor Risk Management Tool for use by freight owners and operators nationwide where on-the-ground assessments are not conducted.

Conclusion

In closing, the nation's rail and transit operators and their employees have responded admirably to the new threat environment. Thanks to their efforts, passenger and freight rail is more secure and better prepared to respond to emergencies than ever before. However, we must continue to focus on this important issue, including ensuring that training is disseminated throughout transit organizations, that employees are receiving refresher training, and that we are developing training to address the emerging needs of the transit environment.

I appreciate the opportunity to provide this important update on rail security. We value the critical role the Congress, and especially this Subcommittee, plays in the effort to protect rail security. We look forward to working with you on the full range of subjects so critical to protecting America's transportation infrastructure, its passengers, and the commerce that it carries.

Thank you. I would be pleased to respond to questions.

Mr. LUNGREN. Thank you very much, Mr. Sammon, for your testimony.

The chair would now recognize Mr. Terry Rosapep, the deputy associate administrator, Office of Program Management at the Federal Transit Agency, to testify.

I understand that while you will be testifying for the Department of Transportation, you also have Mr. William Fagan, the director of security at the Federal Railroad Administration, to answer questions regarding training for rail at DOT.

Thank you, both, for being here.

And, sir, you may proceed.

STATEMENT OF TERRY ROSAPEP, DEPUTY ASSOCIATE ADMINISTRATOR, OFFICE OF PROGRAM MANAGEMENT, FEDERAL TRANSIT ADMINISTRATION

Mr. ROSAPEP. Thank you.

Mr. Chairman, Congresswoman Sanchez, Congressman Langevin and members of the subcommittee, I am pleased to have this opportunity to discuss security training for transit and railroad employees and the Department of the Transportation's initiatives in that area, first by highlighting the Federal Transit Administration's involvement in transit security and then the involvement by the Federal Railroad Administration.

The FTA, its federal and state partners, and the transit industry have built a solid foundation for security by focusing on three priorities: public awareness, emergency preparedness and employee training.

Since 9/11, FTA has delivered security training to almost 80,000 transit employees in an ongoing collaboration with NTI—the National Transit Institute at Rutgers University—DOT’s Transportation Safety Institute, and the Johns Hopkins University.

FTA now coordinates security training through the public transportation annex to the DOT–DHS memorandum of understanding, which sets out the respective roles of the departments on security issues.

The annex’s executive steering committee oversees eight project management teams. The training team looks specifically at how to develop new courses on timely security topics. The safety and security roundtables team also enhances security training through direct outreach to the security chiefs at the 50 largest transit agencies. Another team is dedicated to the Transit Watch program, which is tantamount to a security training for passengers.

In partnership with Johns Hopkins, FTA has developed and is delivering a course on strategic counterterrorism for transit managers. In addition, a security training assessment for the 30 largest transit agencies, and also for 20 smaller ones, is being completed. And that will give us a better baseline to determine training needs throughout the industry.

With NTI, FTA is working to deliver several security training courses. These include chem-bio and explosive incident management, as well as systems security awareness, which imparts basic security skills to front-line employees.

FTA has collaborated with DOT’s Transportation Safety Institute on six specific security training courses. Topical areas include security design review principles, bus and rail hijackings, and response to threats posed by weapons of mass destruction.

Turning to FRA, FRA promotes the safety of the U.S. railroad industry and works closely with its federal and state partners in the railroad industry in addressing training and other security issues.

In the area of freight rail security, FRA worked closely with the DOT’s Pipeline and Hazardous Materials Safety Administration, PHMSA, on a March 2003 regulation requiring each shipper and carrier of significant quantities of HAZMAT to adopt and comply with a security plan.

PHMSA regulations require each company to give its employees both security awareness training and in-depth security training concerning the company’s security plan and its implementation.

To date, FRA has reviewed more than 6,000 security plans and conducted some 4,000 inspections for compliance with the regulations security training requirements.

Further, in June of this year, FRA, TSA and the railroads agreed on voluntary security action steps the industry should take to enhance security in the transportation of toxic inhalation hazard materials, TIH. The action items include regularly reinforcing security awareness and operational security concepts to all employees, and training employees to recognize suspicious activity, to report security concerns stemming from the inspection of cars containing TIH materials.

FRA and TSA have also assisted the freight railroads with instituting their own more comprehensive security plans, and have pro-

vided input to employee security training modules which the railroads and NTI are now developing.

In the area of passenger railroad security, FRA issued regulations in 1998 requiring passenger railroads to prepare and secure FRA approval of plans to address emergencies, conduct employee training on the plans, and conduct emergency simulations. In addition, Amtrak and the commuter railroads have instituted their own security plans and conduct their own security training.

Mr. Chairman and members of the subcommittee, be assured that the Department of Transportation will continue to work with DHS to strengthen transit and rail security. We look forward to continuing to work with Congress to advance the shared goal of protecting our transit and rail infrastructure.

We will be happy to answer any of the questions you may have. Thank you.

[The statement of Mr. Rosapep follows:]

PREPARED STATEMENT OF TERRY ROSAPEP

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to testify today on behalf of the Secretary of Transportation and the Federal Transit Administration (FTA). I am pleased to have this opportunity, with my colleague, William Fagan, Director of Security at the Federal Railroad Administration (FRA), to update you on transit and rail security training and the U. S. Department of Transportation's (DOT) initiatives in that area.

FTA and Transit Security

America's transit system is complex, dynamic, interconnected, and composed of over 6,000 local systems. By their nature, these systems--and the entire transit network—are open and accessible, and therefore difficult to secure. Each workday, transit and commuter rail systems move approximately 14 million passengers in the United States.

FTA, its Federal and state partners, and the transit industry have built a solid foundation for security in the years following the attacks of September 11, by focusing on three security priorities: public awareness, employee training, and emergency preparedness. FTA has designed its security training programs with the certainty that regardless of where an attack comes from or how it is devised, security training of employees and passenger awareness will always help to prevent or mitigate damage.

Since September 11, in our ongoing collaboration with partners at the National Transit Institute (NTI) of Rutgers University, the Transportation Safety Institute (TSI) of the Department of Transportation, and Johns Hopkins University (JHU), FTA has delivered security training to almost 80,000 transit employees nationwide. We have utilized an array of formats for security training, ranging from classroom instruction and roundtables to videos and toolkits, to suit the needs of each audience and to disseminate broadly our knowledge about security.

In September 2005, FTA and two agencies within the Department Homeland Security—the Transportation Security Administration (TSA) and the Office for Domestic Preparedness, now the Office of Grants and Training (G&T), signed the Public Transportation Security Annex to the Department of Transportation (DOT/Department of Homeland Security (DHS) Memorandum of Understanding (MOU) on security. The annex identifies specific areas of coordination among the parties, including citizen awareness, training, exercises, risk assessments, and information sharing. To implement the Annex, the three agencies have developed a framework that leverages each agency's resources and capabilities.

With the Annex in place as a blueprint, FTA, TSA and G&T have established an Executive Steering Committee that interacts with DHS, DOT, and transit industry leaders. This committee oversees eight project management teams that spearhead the Annex's programs. Each of these programs advances one or more of FTA's three security priority areas, which again are public awareness, employee training, and emergency preparedness. We have been implementing the Annex energetically since its inception.

The "Training Team" looks specifically at how to develop new courses on timely, cutting-edge security topics such as strategic counter-terrorism, and biological and chemical threats. The Annex's "Safety and Security Roundtables" team also en-

hances security training. It works on direct outreach to the transit industry, and plans two educational events a year for the security chiefs of the 50 largest transit agencies. Transit security leaders have responded favorably to opportunities for peer-to-peer forums, and the security roundtables provide just that. The next roundtable, our third, will be held in December 2006 in Secaucus, New Jersey.

It is also worth noting that the Annex includes a team dedicated to the "Transit Watch" program, which is tantamount to a security training initiative that teaches transit passengers to become more mindful of their environment in the context of risks of the times for terrorism.

FTA, with our Federal partners at DHS, continues to work with Johns Hopkins, TSI, and NTI to deliver and develop security training programs.

Before I detail these course offerings, I would like to call your attention to a few highlights. First, FTA's course offerings are comprehensive and focus on all transit environments, including smaller agencies. Second, security training aims to disseminate the most current and up to date thinking on the most current and up to date threat information for the transit industry. Third, these courses cover a comprehensive range of topics that mesh with transit industry realities and needs. Finally, FTA's courses equip transit agencies to implement security training for all of their employees. This magnifies the impact of security training courses, as it encourages those we educate to educate, in turn, their peers and employees.

In partnership with JHU, FTA has already piloted and revised a two-day course on *Strategic Counter-Terrorism for Transit Managers*. This course provides counter-terrorism management training to transit police and security forces in a large enough number to ensure a core, consistent approach to security planning across transit agencies.

With JHU, FTA has also developed a *Strategic Curriculum Development Guidance Document*, which is an essential tool for *standardized*, high quality security training.

Finally, in conjunction with JHU, FTA is just now completing *the Security Training Assessment for Top 30 Transit Agencies*, and for *20 smaller agencies*. This assessment will help FTA and our partners in the Federal government identify security training gaps and needs in the industry. Usefully, it takes into account smaller agencies, whose requirements and characteristics often differ from those of larger urban systems.

FTA is working with NTI to deliver six security training initiatives for the transit industry:

The *System Security Awareness for Transportation Employees* training that FTA developed with NTI imparts basic security skills and is offered in the form of a four-hour class, DVD/video or employee handouts. FTA has also distributed over 4,200 copies of its system security awareness *Warning Signs* video, developed in collaboration with NTI. FTA is in the process of developing a parallel video targeted specifically to smaller transit agencies.

FTA has just developed a six-hour course on *Chemical/Biological and Explosive Incident Management for Operations Control Center Personnel*. This course has been developed and is currently being delivered to ten transit agencies in large metro areas; an additional 20 deliveries will be scheduled for 2007.

The *Terrorist Activity Recognition and Reaction* course draws on FTA's work with Israeli experts on passenger monitoring, and lessons learned from Israel's security experts. FTA has already reached 6,000 employees with this material. In the next quarter, FTA plans to complete two additional training initiatives with NTI. The first is an *Emergency Drills/ Exercise Guidance Document* for transit agencies. The second is a new training course that will help ensure that transit employees can use the *National Incident Management System for Transit* to collaborate effectively with emergency responders and services during an incident.

During 2006, FTA has collaborated with TSI to offer or develop six security training courses.

In June, FTA and TSI offered a *Crime Prevention through Environmental Design* course in El Paso, Texas; FTA is now developing a *Security Design* training course with TSI that achieves the same purpose but with the emphasis against terrorism.

From April to August of this year, FTA offered its *Transit System Security* course five times. This course encourages participants to develop and implement security policies in a uniform format. The FTA-TSI course in *Effectively Managing Transit Emergencies* also takes a broad perspective and teaches transit employees how to understand the emergency management concept.

Two additional courses train employees to handle specific kinds of security threats. FTA offered the *Threat Management and Emergency Response to Bus and Rail Hijackings* course eight times this year. It also offered a course in the *Transit Response to Weapons of Mass Destruction*.

TSI is in the process of updating and revising all of its courses so as to be in compliance with FTA and DHS requirements.

As this brief review illustrates, FTA has forged successful collaborations both within the Federal government, between the government and the transit industry, and with JHU, NTI and TSI, to develop and disseminate the latest security training and knowledge. FTA's work with these organizations and within the MOU Annex is the primary way that we influence security training practices in the transit industry.

FRA's Role in Railroad Security

FRA's primary mission is to promote the safety of the U.S. railroad industry. FRA's railroad safety mission necessarily includes its involvement in railroad security issues, and FRA works closely with TSA and the railroad industry on a daily basis in addressing railroad security issues.

The United States railroad network is a vital link in the Nation's transportation system and is critical to the economy, national defense, and public health. Amtrak and commuter railroads provide passenger rail service to more than 500 million passengers yearly. Freight railroads connect businesses with each other across the country and with markets overseas, moving 42 percent of all intercity freight, measured in ton-miles. Passenger and freight railroads operate over 170,000 route miles of track and employ over 227,000 workers.

FRA's involvement in railroad security predates the terrorist attacks on September 11, 2001. From 1997 through the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005 in March of this year, DOT worked closely with Congress to secure the enactment of Federal criminal legislation to more effectively deter and punish terrorist who attack railroads and mass transportation systems. In 1998, FRA issued regulations requiring passenger railroads to prepare and secure FRA approval of plans to address emergencies (such as security threats), conduct employee training on the plan, and conduct emergency simulations. This regulation is discussed in more detail below.

Since the terrorist atrocities on September 11, 2001, FRA has been actively engaged in the railroad industry's response to the terrorist threat. The railroads have developed their own security plans, and FRA has worked with the railroads, rail labor, and law enforcement personnel to develop the Railway Alert Network, which enables timely distribution of information and intelligence on security issues. Working with the FTA, we have participated in security risk assessments on commuter railroads, and we have conducted security risk assessments of Amtrak as well. FRA's security director works on a daily basis to facilitate communications on security issues between government agencies and the railroad industry.

Freight Railroad Security

A special focus for FRA and DOT, collectively, is the security of hazmat transported by rail. A major initiative to improve hazmat security has been the Pipeline and Hazardous Materials Safety Administration's (PHMSA) March 2003 regulation requiring each shipper and carrier of significant quantities (amounts for which placards are required) of hazmat to adopt and comply with a security plan. Under the regulation, security plans must include an assessment of security risks and appropriate countermeasures or mitigation strategies, or both, to address those risks. The plans must, at a minimum, address three specific areas: the company personnel who prepare and handle hazmat shipments; unauthorized access to hazmat shipments or transport conveyances; and the security of hazmat shipped or transported by the company from its origin to its destination. To assist railroads that transport hazmat and shippers that offer hazmat for transportation by rail to comply with this regulation, particularly small—and medium-sized companies, FRA and PHMSA developed a program on how to write and implement security plans for their companies. FRA, PHMSA, and TSA have been working together on developing proposed revisions to the PHMSA rule.

FRA recognizes that railroad and shipper employees' awareness and understanding of the PHMSA regulation and procedures governing the safe and secure transportation of hazmat shipments are critical. Therefore, PHMSA's regulation provides for safety and security training for employees engaged in the transportation of hazmat. Specifically, every shipper and carrier of hazmat must give its employees training in awareness of risks associated with hazmat transportation and methods designed to enhance hazmat transportation security. In addition, every shipper and carrier required to have a security plan must give its employees in-depth security training concerning the company's security plan and its implementation. These training requirements are also recurrent; employees must receive the required training at least every three years. To date, FRA personnel have reviewed more than 6,105 security plans (including the plans for all Class I freight railroad car-

riers) and conducted 4,054 inspections for compliance with the security training requirements.

Further, as a result of extensive collaboration with the freight railroad industry, on June 23, 2006, DHS and DOT issued "Recommended Security Action Items for the Rail Transportation of Toxic Inhalation Hazard (TIH) Materials." The Action Items are based on lessons learned from an assessment of high-threat urban area rail corridors and from reviews of railroads' security plans. Implementation of the Action Items is expected to raise the security baseline for the transportation of TIH materials. We believe the Security Action Items are of great value and can be quickly implemented. They include regularly reinforcing security awareness and operational security concepts to all employees at all levels of the organization, training employees to recognize suspicious activity and report security concerns found during inspections of cars containing TIH materials, and other security training program elements. DOT and TSA are monitoring implementation of the Action Items and, should they not be voluntarily adopted as expected, we will consider more formally instituting the Action Items.

While we must remain ever vigilant to secure hazmat shipments on our Nation's railroads, for the sake of railroad employees and the public whom we all serve, it bears emphasis that the vast majority of hazmat shipments arrive at their destinations safely; few tank cars have leaks or spills of any kind; fewer still are breached in an accident or incident. Considering just chlorine, for example, since 1965 (the earliest data available) there have been at least 2.2 million tank car shipments of chlorine; only 788 of which were involved in accidents (0.036 percent of all the shipments). Of those accidents, there were 11 instances of a catastrophic loss (i.e., a loss of all, or nearly all) of the chlorine lading (0.0005 percent of all the shipments). Of the 11 catastrophic losses, four resulted in fatalities (0.00018 percent of all the shipments). For all hazardous materials, in the 12 years from 1994 through 2005, hazardous materials released in railroad accidents resulted in a total of 14 fatalities. While one death is obviously too many, the record of transporting these commodities is very good.

Railroads have also voluntarily imposed their own, additional security requirements addressing the security of not only hazmat but of freight in general. The Nation's freight railroads have developed and put in place security plans based on comprehensive risk analyses and the national intelligence community's best practices. The Association of American Railroads (AAR) has established guidance for the major freight railroads in the form of a model strategic security plan. Further, the AAR and Class I railroads have been working with the National Transit Institute at Rutgers University to develop employee training modules for security. With FRA and TSA input, four video modules have been developed covering security awareness training. In particular, the video training modules help frontline employees identify potential security breaches, threats and risks and explain how they should report them. A fifth training module is being developed to address the notification of employees in a security incident and what they need to do under the railroad's security plan, such as moving cars to more secure areas. Notably, the training is intended for all railroad employees—not just those employees responsible for the transportation of hazmat. The video training modules will be made part of a training library for use in recurrent training, rules classes, training of new employees, and other training. The training modules will also continue to be shared with the smaller railroads.

Passenger Railroad Security

In the area of passenger railroad security, FRA requires railroads that operate intercity or commuter passenger train service or that host the operation of that service to adopt and comply with a written emergency preparedness plan approved by FRA. Each plan must address employee training and qualification. Crewmembers aboard a passenger train must be trained initially and then periodically every two years on the applicable plan provisions. At a minimum, training must include the following subjects: rail equipment familiarization; situational awareness; passenger evacuation; coordination of functions; and "hands-on" instruction concerning the location, function, and operation of on-board emergency equipment. Personnel of a control center (a central location on a railroad with responsibility for directing the safe movement of trains) must also be trained initially and then periodically every two years on appropriate courses of action for potential emergency situations. This training must include dispatch territory familiarization and protocols governing internal communications between appropriate control center personnel whenever an imminent, potential emergency situation exists. Additionally, each railroad must establish and maintain a working relationship with emergency responders on its line by developing and making available a training program on the plan, inviting them

to participate in emergency simulations, discussed more below, and by distributing updated plans to them, including documentation concerning the railroad's equipment, the physical characteristics of its line, necessary maps, and the position titles and telephone numbers of relevant railroad officers to contact. Further, railroads providing passenger service must periodically conduct full-scale passenger train emergency simulations and must conduct a debriefing and critique session after actual or simulated passenger train emergency situations. These requirements for full-scale simulations and for post-simulation and post-emergency debriefing help ensure that employees' abstract knowledge of emergency procedures is put into practice and then refined based on their collective experience.

Amtrak and commuter railroads have instituted their own security plans and conduct security training. FRA assisted Amtrak in the development of its security plan. Specifically, in coordination with Amtrak's Inspector General, FRA contracted with the RAND Corporation to conduct a systematic review and assessment of Amtrak's security posture, corporate strategic security planning, and programs focusing on the adequacy of preparedness for combating terrorist threats.

In partnership with FTA, FRA participated in security risk assessments on the ten largest commuter railroads and contributed the funding for security risk assessments on three of these railroads. FRA also participated in FTA's "best practices tool kit" initiative, contributing our knowledge of commuter rail operations, infrastructure, and organization to ensure that the recommended security enhancement measures were sound and feasible in a railroad environment. FRA staff worked closely with many of the railroads that receive FTA grant funding, to plan and assist in the development and implementation of security simulations and drills. FRA also devoted staff with both railroad knowledge and facilitation skills to the 17 FTA-sponsored workshops across the country (called "Connecting Communities") to bring together commuter railroads, emergency responders, and State and local government leaders so that they might better coordinate their security plans and emergency response efforts.

The American Public Transportation Association (APTA) is also leading commuter railroads in the development of industry standards for passenger rail security. This initiative is in addition to APTA's system safety audit program, to which most commuter railroads subscribe, and which includes security as an element of overall system safety.

Mr. Chairman and Members of the Subcommittee, be assured that the Department of Transportation will continue to strengthen transit and rail security. We look forward to continuing to work with Congress to advance the shared goal of protecting our transit and rail infrastructure, and all that rides on it. I, and my colleagues, will be happy to answer any questions you may have.

Mr. LUNGREN. Thank you very much for your testimony. Appreciate it.

I thank both the witnesses.

And I thank you, Mr. Fagan, for being here to respond to questions as well.

We will start the round of questioning. And I will yield myself 5 minutes for that purpose.

We are going to have a second panel here, and we have two representatives of unions involved in the industry. And the tenor of one of the prepared statements is that we would hear a lot of good things from the administration but that, in fact, it is more talk than action. And the suggestion that the good work done by the National Transit Institute only represents training approximately 30 percent of the transit industry's total workforce.

Mr. Sammon and Mr. Rosapep, how would you respond to that? I mean, I view that as a criticism, and I would like you to give us an answer.

Mr. SAMMON. Thank you. Let me start first.

In terms of the overall federal spending that is available, DHS has made available about \$18 billion to state and local governments. And they use that money in various and sundry ways, whether they use it for first responders, transit—however they have been making decisions on that.

There is about \$4 billion, or \$3.5 billion, a year available from FTA capital grants that there is more flexibility to use with training and also for capital security items.

And I think, since 9/11, approximately \$900 million from all federal agencies has been available for transit security.

Now, in terms of the question of training, that is why what we want to do at TSA is in—TSA is now working with DHS in a lead role on the grants program. And what we want to do is, rather than have the grants go out simply for capital items, we want to require a baseline of training before people are eligible for capital grants.

So we want to leverage that excess of \$100 million to get the properties their front-line employee training up to standards. And that is what we plan to do and we want to do.

And working with the unions—I worked at Conrail for quite some time, and we had at one point one of the worst safety records, and we turned it around to have one of the best safety records. And we did that by working with the people on the ground directly. Every one of our senior officers was out working with folks on the ground.

So I think the front-line employees, at some point in this process, should be involved. And it is very important, because their attitude and their involvement take you from having a training and awareness program that is on paper versus a real, robust one in the field.

Mr. LUNGREN. Is it “Rosapep” or “Rosapep”? I want to make sure—

Mr. ROSAPEP. It is “Rosapep.”

Mr. LUNGREN. Okay. Mr. Rosapep, could you respond to that, please?

Mr. ROSAPEP. Yes, I would say that, you know, since 9/11, the training programs have in fact been focused on the largest 30 transit agencies, as opposed to all of the systems out there. So we have a higher penetration of the top 30 agencies, probably more like that 60 percent of the employees. But overall, the 20 percent figure is correct.

As an example, in your district—and we have been focusing on getting out the basic security awareness course to those top 30 agencies. We have done Sacramento in your district. In Congresswoman Sanchez’s district we have done the Orange County transit system, to get the basic security programs out there.

But those are the larger ones.

We are right now conducting an assessment of not only those top 30, to see how well we have penetrated and the training has gone down in those agencies, but we are also looking at a selection of 20 smaller agencies across the country as well, because we also think those are important.

When we have that assessment complete, I think we will have a much better idea of what it is going to take to do the training that is necessary at the larger systems as well as the smaller ones and get a broader penetration throughout the industry of the training that is really necessary.

Mr. LUNGREN. Have you had an opportunity to look at some of the systems themselves? That is, you say in Orange County and Sacramento they have had the training. In testimony that we have

coming up later from one of the union representatives, mentions that the Washington, D.C. system has had training, the L.A. metro have trained their front-line employees. At least that is their statement.

Have you had any opportunity to go in and look at the quality of that training that actually took place? I guess I would ask it this way: Are there any metrics, are there any performance standards, is there anything to show that it has taken?

Mr. ROSAPEP. That really is part of the assessment we are doing, is to go back to those agencies that we have trained in the top 30 to see, has it been effective? And if it hasn't, why not and what can we do about it?

Frankly, another parallel effort going on to actually define some performance metrics for training. All of us are party to this effort. But that will give us an ongoing way of measuring just how effective the training is on an ongoing basis.

Mr. LUNGREN. Do you have any sense whether these systems sense the importance of this?

That is, you look at the bottom line of an operation. Preparing for a terrorist attack, in many cases, might be the outlier, you know? It is something that we don't think is going to happen. That is, that could be the comment or a thought of an operator. Therefore, we can't justify it to our bottom line.

Do we have that problem? Or is there a seriousness that you find with the operators you deal with that actually they understand how important this is?

Mr. ROSAPEP. Our experience so far, it is not an issue of that. They sense the importance of it and are eager to get the training.

The other side of it, too, is, so much of the, what we call, security training is just as applicable to safety issues. In fact, it is hard to define a clear line between the two.

And the fact is, our transit agencies have been doing safety training and safety programs for years and years. They know the importance of it. Some of these new security programs add a new twist to it, but it is not something that they have to be convinced of, that it is something that they would like and need to do.

Mr. LUNGREN. Okay. My time is up.

The gentlelady from California, the ranking member of this subcommittee, Ms. Sanchez, is recognized for 5 minutes.

Ms. SANCHEZ. Thank you, Mr. Chairman. I am sorry for arriving late, but I do thank you for this hearing. I think it is very important, because I have been hearing from a lot of different areas with respect to training and the security on the different rail line, in particular.

So let me get this—I am a little bit concerned about, in talking to people about the perceived lack of coordination between the Department of Homeland Security and Transportation. There appears to be a lot of overlap and duplication with regards to security training.

And, you know, there are very few resources. I used to do transportation consultation many decades ago, and so really understand, in particular for mass transit, what it takes to move people and where the monies are coming from, and the lack of monies.

So who is the primary department and agency responsible for security training? And what steps are you taking to improve the coordination between the two departments?

And my second question has to deal with this issue of whether TSA is just acting as a passthrough to give monies, then, over to, let's say, FTA for this security training. It seems to me that there recently was, for example, a \$1.5 million transfer from TSA to the FTA and another \$200,000 transfer that was made last year.

So is TSA developing the training? Is it just moving the money over to FTA? Should we just be giving the money directly to FTA? What is the coordination, and who is really doing this?

And if you answered this before I walked in, I am sorry, but I need to, sort of, understand.

Mr. SAMMON. No, that is a very good question.

I think, if you go back before 9/11, as discussed a few minutes ago, I think most of the training and efforts in terms of security and safety were handled by the FTA. And in many cases, if you think about security, "Am I going to be mugged?" or "Is this a terrorist attack?", a lot of the things involved—there is a fine line in terms of separating both of them.

So in the past, and in their roles of dealing with the nation's transit agencies, FTA—in the testimony he has gone through—developing a number of training programs in dealing with the agencies.

In my discussions with the agencies, they want to deal with?it is fine that the federal government has all these different security agencies. But in terms of, if you are going to have programs and training programs and we are going to do training—for instance, if you do safety training and you take an operator out of his equipment for the day and he is going to be in a room, you can do both safety training and security training. Security training can be against a criminal, and it can also be terrorist security training. It is effective to do it all at once in modules.

So a lot of the development of the training programs has been developed by FTA. And TSA supports that effort.

What TSA is doing and what we want to do is, in terms of, are the transit agencies at a baseline standard of training, are they there? And we want to use the grant program through DHS as the incentive to get people to the baseline of training.

In the other part of my oral testimony today, we mentioned what we are doing in the rail industry. The rail industry has developed a four-part module, in terms of training for real employees and security awareness and so on. What we want to do with our inspectors is to make sure to see the effectiveness as it applies to the ground, their day-to-day activities, and how that applies.

So I think, in terms of this, TSA is working?we have a memorandum of understanding with FTA and FRA. We work closely with them, in terms of these issues.

Ms. SANCHEZ. My last question to you: It is my understanding that TSA has frozen all promotions and hiring for rail and mass transit officials at TSA, in addition to halting initiatives in these areas, due to funding shortfalls. Is there a shortfall?

Mr. SAMMON. What we have—I recently hired the general management of rail from—promoted Gil Kovar, who is sitting in the au-

dience here. He has 30 years of experience in the rail industry as a senior line operating person. We have made permanent nine of the 11 general managers since I arrived, and we hope to have a transit general manager here shortly.

So, we have been hiring people. We brought on an air cargo executive on Monday, who is retired, who is from Emery Worldwide. So we have been hiring people.

In terms of a—

Ms. SANCHEZ. So you haven't frozen promotions or stopped hiring of rail and mass transit officials?

Mr. SAMMON. I haven't stopped any hiring per se.

What I have done since I have gotten there, in terms of looking at the overall resource of the group that I have, I want to make sure that the resources are in the right place. We may have too many people in one area and not enough people in another, and I am making that determination.

So, before I fill jobs just because they were there before, I want to make sure we are filling the right jobs in the right places, and that TSA is putting its resources and using its resources most effectively.

Ms. SANCHEZ. Let me ask it just one different way. I see that my time is up.

So there is no freezing of hiring into positions in—

Mr. SAMMON. I just hired the cargo general manager on Monday. But I have told people what I want to do—

Ms. SANCHEZ. What about the lower rungs? Is there an official freeze?

Mr. SAMMON. There is not an official freeze. What we are doing is, in terms of the vacancies we have, I want a review and justification of all the vacancies in terms of the priorities of TSA, to make sure we are putting people in the right jobs rather than filling historic vacancies.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Mr. LUNGREN. Mr. Langevin is recognized for 5 minutes.

Mr. LANGEVIN. Thank you, Mr. Chairman.

And, gentlemen, thank you, again, for your testimony, for being here today.

One of my concerns, in terms of what I have heard both from constituents and just on a general topic, is related to Amtrak police officers. And I am sure that we all agree that if you want to hire and retain good people, we have to pay them fairly.

So I am going to address my question to Mr. Fagan.

Mr. Fagan, as the director of security for the Federal Railroad Administration, you probably understand more than most people the need for a steady workforce of railroad police officers.

And railroad police officers obviously serve on the front lines to ensure passenger safety. They are responsible for ensuring both the trains and the stations are secure, and assisting passengers with any security concerns that they may have.

It is therefore important that they be compensated fairly and granted equitable contracts under which to work.

Now, while I understand that you don't work for Amtrak, I am sure that you have heard that Amtrak's police officers have been operating now without a contract for 7 years—7 years.

Now, the Amtrak police officers right now, as I understand it, are not paid commensurate with what their counterparts working for other rail companies make. Additionally, while they do receive cost-of-living adjustments, they are less than adequate, often amounting to an increase of one penny a month.

So this leads to the unfortunate truth that much of Amtrak's important police force leave to find better-paying jobs, which ultimately leaves gaping holes in rail security.

So my question is, have you heard of this problem occurring? And do you think the Amtrak police officers should be operating under an updated contract? And do you think that this is a problem confined to Amtrak, or is it spilling over into other railroad police officers?

And finally, in your capacity as the director of security for the Federal Railroad Administration, what can you do to help ensure Amtrak retains its important police force?

Mr. FAGAN. Sir, I am very proud of our police officers both at the railroad and transit industry and in our local communities. Amtrak pay and personnel policies are an internal matter to the company. And we will review that question and provide you an answer in writing, sir.

Mr. LANGEVIN. I would appreciate that. Obviously, 7 years, I think even to a reasonable person, is a long time to go without a contract. And if they are only getting about a penny-a-month increase in their cost-of-living adjustment, that is certainly not adequate. Doesn't speak well of morale, I am sure, and it is going to be harder and harder to retain good people. Particularly in this day and age, I think that is an important topic to address.

If I could, my next question is for Mr. Sammon. We witnessed the horrible events that unfolded during the attacks on London's subway system just over a year ago, and we are fortunate that here in the United States we have not yet experienced that type of attack.

And we are currently severely, in my opinion, underprepared to handle the results. Not only do we lack the capability to prevent such attacks from happening, but many of our nation's subway systems are still not cell-phone accessible, which means that it could take first responders an even longer time to hear about the attacks.

Now, I understand that the Washington Metro system is fortunately able to accommodate the use of cell phones along much of the tracks. However, cell phone simply cannot operate in much of the New York City subway system, where most threats to our nation's mass transit have been received.

So the fact that many of our nation's subway systems lack the ability to allow for the use of cell phones leaves our mass transit systems extremely vulnerable to attack.

So my question, Mr. Sammon: Do you see this as a problem to our mass transit system? And how do you propose that we act to make all of our nation's subway systems cell-phone accessible?

Mr. SAMMON. That is a very good question. And I think what we would, in terms of the cell phone specific, I don't know that TSA has a specific plan on cell phones.

Part of what we are looking for is the subway systems, in the context of the grant program, is, what is their response program?

And part of that response program certainly is communication, and communication from the operators to the first responders.

And we don't have a specific plan for cell phones specifically. However, if you look at the risk-based distribution of our grant money in the past, it has gone to one of the items that goes into determining that risk-based assessment is miles of underground track and underground stations. So certainly the systems that have the kinds of vulnerabilities that you are speaking to do receive, have received in the past, most of the funding.

And I will bring up the cell-phone communication to make sure that we do have that as an important part of that recognition of the kinds of grants and applications we look at. Because certainly, when we talk about response plans and effective response plans, if you can't communicate, you can't respond.

Mr. LANGEVIN. Well, that is exactly—

Mr. SAMMON. Yes. Good point.

Mr. LANGEVIN. —my concern, as well. And we don't want to be talking about it after the fact. The opportunity is here to do something about it now, and we certainly welcome the opportunity to work with you on that.

Mr. SAMMON. Very good.

Mr. LUNGREN. The gentleman's time has expired.

The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Thank you, Mr. Chairman. And I appreciate the testimony of the witnesses.

Mr. Sammon, why hasn't TSA required security training for rail and mass transit employees?

Mr. SAMMON. We are working with the transit industry to develop a 1-year action plan which includes, among other things, would be training. We are—

Mr. DICKS. I mean, this seems to me this would be, like, the first thing we would do. But now 5 years have gone by, and we still don't require training. So are we just leaving it up to the transit agencies and the railroads to do this training themselves?

Mr. SAMMON. In the discussion we had before in the oral testimony, what I spoke about was using the excess of \$100 million in the grants program—

Mr. DICKS. Who does that money go to?

Mr. SAMMON. That goes to the transit agencies.

Mr. DICKS. But still, there is not a requirement that they use it for training.

Mr. SAMMON. There will be. And that is what we are doing and that is what we are changing in response to the recognition, first of all, the training is critical, training is essential.

And in the past, in terms of the grants program, agencies could apply for training. Most apply for capital grants. But in their assessments of what is important, they have applied for training. They have not applied it for as many training programs—some have—as they have applied for capital.

And what we want to do is raise a bar and have that bar set as we look at this next distribution of funds, to say, "If you are not trained, in our opinion, to a proper level, we don't want to hand out money for technology before you do training."

So we may see, in this next round, a larger portion of that \$130-or-so million go for training than it has in the past. Because it doesn't do any good for me to pay for—

Mr. DICKS. When can we expect this requirement?

Mr. SAMMON. This requirement will—as we go through the 2006 specifics, in terms of what specific projects will be approved, it will start coming out there. Now, will it be—

Mr. DICKS. You mean 2007?

Mr. SAMMON. Well, we have—

Mr. DICKS. We have got about 2 weeks to go, or a few days to go, in 2006.

Mr. SAMMON. Well, no, the amounts have been released, but the specific projects and what we will apply and how the money?and which projects apply, that will be done by the end of the year, certainly by 2007.

And will it be done perfectly this first time? Probably not. But for 2007, people will understand the guidance and the requirements.

But the training, we want—it doesn't do anybody any good to buy them a chem-bio detection unit if the employees don't know how to get out of the subway system or aren't trained to evacuate. So they have to be trained first, before we start layering in lots of technology on these systems.

But we agree with the committee's assessment there.

Mr. DICKS. Mr. Rosapep, do you think that TSA should mandate security training for mass transit employees?

Mr. ROSAPEP. When you mandate something, we need to be prepared that we have the resources to make sure that the training is available so that the transit agencies can take care of that.

We concur with the notion that the training has got to be there before people start buying technology. And FTA has been pushing that ourselves for a number of years.

The courses that we have been pushing are those basic security awareness training for all the front-line staff. That plays in better to accomplishing that before funding goes in to the hard capital side of things.

FTA's own programs, this year, people are now able to use their FTA capital formula funds for training purposes. That wasn't possible before this year. So there are new resources being made available for those agencies to be able to get the training that they need and want.

Mr. DICKS. Okay. So you are saying, until this year, the money that we gave them was not available for training?

Mr. ROSAPEP. For FTA's formula programs, they are strictly capital for the large agencies—

Mr. DICKS. Right. Right.

Mr. ROSAPEP. —so things like training and conducting emergency drills and preparing plans are operational, and they weren't eligible before.

When Congress passed the new SAFE-T legislation for the transportation programs, they changed the definition of what is capital for FTA and for our transit agencies so that they can address security operational things, such as training.

Mr. DICKS. Mr. Fagan, do you think TSA should mandate security training for rail employees?

Mr. FAGAN. Sir, the Federal Railroad Administration mandates emergency training for passenger railroad employees as well as security training for HAZMAT employees.

In the passenger arena, we take a triad approach of training the front-line crew employees, personnel in the dispatch and control centers, as well as the local emergency responders.

Mr. DICKS. Could I just—Mr. Chairman, I know I—just let me ask one—give me a second.

FRA is doing this, right, as you said. But TSA is supposed to be responsible for this. Why are you doing it if TSA isn't doing it? Do you get my drift here?

TSA is supposed to do this, right?

Mr. SAMMON. In terms of training?

Mr. DICKS. Yes.

Mr. SAMMON. Yes. And that is why we wanted—

Mr. DICKS. For rail employees now I am talking about.

SAMMON; That is why my general manager is sending his inspectors out, to make sure that the training that has been in place from the rail industry is effective and in place in the field.

Mr. DICKS. But we are not requiring it.

Mr. SAMMON. We are, in terms of—

Mr. DICKS. Mandatory. In other words, a rule that you have to do it.

Mr. SAMMON. Right. Right.

Mr. DICKS. Let me ask you one quick thing, Mr. Chairman. What about ferries? I come from the Pacific Northwest, the Bremerton area. Who is in charge of ferry security?

We have had some issues out there, as you know. And I just wanted to know, is TSA—I know the Coast Guard has probably been playing the lead role here, which is probably appropriate. But who is supposed to be in charge of this?

Mr. SAMMON. Well, in most areas, the Coast Guard. But there are grants that are applicable, in terms of security grants that TSA direct for that area. But generally, in many of the maritime areas, the Coast Guard does have a lead role, because there are maritime regulations that go back for many, many years that involve the Coast Guard.

Mr. DICKS. Yes. Thank you. I think the program that they have developed is pretty good, by the way, for the ferry system. I mean, they have the dogs and everything. They are doing as much security as they can without completely disrupting the ferry system.

Mr. SAMMON. Yes, they are doing great.

Mr. LUNGREN. Okay. I think we will try a second round here, and I will start off.

Mr. Rosapep, you mentioned in your both prepared and oral testimony that you focus on three security priorities: public awareness, employee training, and emergency preparedness.

I want to ask you about public awareness. I would dare say that, for most people who ride on airplanes today, they are aware of the threat. They would respond differently today than what happened on 9/11 because we recognize the tactics of the terrorists have changed.

But it strikes me that the average person who rides on mass transit probably doesn't have that same awareness of what the threat would be, how to respond to it, what they should do.

When you say that your agency is involved in public awareness, what do you mean by that?

Mr. ROSAPEP. The primary transit awareness program is the Transit Watch program, which actually is now jointly being funded by DHS and DOT. That program was started a few years ago.

Locally, if you go Metro, you hear the warning signs all the time, you know, looking for unattended bags, looking for suspicious behaviors, trying to get people to understand what to look for; if they see it, who do they report that information to.

Mr. LUNGREN. Again, what are the metrics on that?

I mean, sometimes I see we have created scenarios by regulation that are so broad that, after a while, people don't pay any attention to them. If you tell everybody—for instance, in my home state of California where, under Prop 65, we have to warn people that you might be exposed to certain cancer-causing agents at very, very, very low amounts, but we require every hotel, every convenience store, every supermarket to post that, people walk by it, they don't pay any attention, it doesn't mean anything to them.

There are other parts of Prop 65 that work, but in that regard we have overdone it so that nobody pays any attention.

Has there been any study to go back and say, "Hey, these notices of people to do that actually caused them to be aware of that?", number one.

And number two, do you have anything that shows you how well passengers are responding, that is, are reporting when there does seem to be a suspicious package someplace?

Mr. ROSAPEP. We haven't completed a formal assessment of that program, but that is exactly the type of thing we need to do as these programs develop, is to determine do they get stale and no one is paying attention to them anymore.

I think, just some of the feedback we have been getting is, transit agencies are getting lots of calls about looking at suspicious packages, unattended bags left on transit vehicles. So that message is still alive and is still out there, and people are paying attention to it.

So at this stage of the game, I don't think it is a stale message.

We have added new wrinkles to it this year, again, that we want the agencies to start emphasizing not only the unattended bags but getting messages out there about how to evacuate the systems if it is necessary. I think that is particularly an area where most people don't pay any attention to it; they don't want to think about it.

Mr. LUNGREN. Yes, I mean, if you would compare that to airlines, I would suspect most people, even though we kind of have our eyes glazed over when they talk about us sitting in the emergency exit rows and when they give the demonstration, most people, despite themselves, are paying somewhat attention, know where they are supposed to follow, how they are supposed to go, and those sorts of things.

But I don't sense the same thing on mass transit.

Mr. ROSAPEP. Oh, I think you are absolutely right, which is why, again, the new version of Transit Watch for this year that we are

just rolling out now is starting to put emphasis on the agencies developing and communicating the evacuation plans for their customers and trying to get the word out so they understand how it works.

I think that is going to take some time. You know, every system is a little different, so there is not one standard way of how do you evacuate these systems. But I think some systems—and Washington Metro, locally, is putting some emphasis on the whole evacuation part of it.

I think, as we learn from some of these efforts, we can exchange what works best between other systems across the country. But it is a—

Mr. LUNGREN. Well, just a for instance, I would assume that certain things that you do if you are in a tunnel are different than the things you would do when you are not in a tunnel.

Mr. ROSAPEP. Oh, absolutely.

Mr. LUNGREN. And I am not sure that I have ever heard anybody, when I go on a mass transit system, anybody say that, explain to me what I should or should not do, as opposed to when I just get on and you tell me, “Look for suspicious packages.” It just seems to me to be a total sense of unawareness.

I mean, we have all been in systems where they slowed down in a tunnel and they announce to you that they have got a couple trains ahead of you, you are going to have to wait, and you sit there in darkness—well, you are not in darkness, but it is dark outside the cab—and, frankly, your reaction is, “What would I do if I were told to evacuate?” I wouldn’t have the foggiest idea, I think most people sense. Whereas, on an airplane, I think people at least have some sense.

And I guess what I am saying is there is a huge cleavage between where we are with airlines and where we are with mass transit, just in terms of public awareness and, I think, public confidence if you had a crisis.

Mr. ROSAPEP. I am in agreement with you on the whole evacuation part of things. There is a lot more work to be done in that area.

And, again, the changes we are doing to Transit Watch for this year is just the beginning, I think, of what needs to be done.

Mr. LUNGREN. Okay.

All right, Ms. Sanchez is recognized for 5 minutes.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Last year, Chris Kozub of the National Transit Institute testified before our committee on training for mass transit employees. In his testimony last year, he stated that the NTI and FTA’s training had reached about 20 percent of the transit employee workforce, which we believe is about 300,000 people.

And, as of today, that number would be a little bit more than 30 percent. NTI is not even near the halfway point of getting this security training done.

So may I ask both Mr. Sammon and Mr. Rosapep, what steps have been taken to reach the remaining 70 percent? And in what time frame do we think we are going to get these people the security training we would like to see them have?

Mr. SAMMON. Thank you. That is a very good question, and it is one of the things that we are concerned about.

And, again, that is why we want to refocus the grants program to make sure that the eligibility for the grants is tied to training. And it may turn out that a large portion of the grants program turns from capital to training.

But we do expect that the training component of this has to be a fundamental baseline that people meet before we go off and buy complex or other hardening systems or other security systems. If the employees aren't trained, we think that they are the front line and the first requirement before we look at grants.

Ms. SANCHEZ. And so, what is the timeline? I mean, are you going to get the 70 percent that still aren't trained at least one training class by the end of this fiscal year coming up? Or—

Mr. SAMMON. No, I doubt that. I would say that you will get, as people become aware of the changing guidelines, that you will have more people trained.

The transit workforce is—the airline workforce, you are dealing with a controlled environment. You have a controlled plane, you have a controlled airport. It is much more controlled. In transit, you have buses running all over the place. You have stops. We haul, in transit, many more times the ridership than we do in air.

So I would say it is going to take more time.

Ms. SANCHEZ. But you don't have any set metrics, any milestones? You haven't even projected this out?

Mr. SAMMON. Right now what we are doing is taking an assessment. We expect to have, as an assessment, by the end of the year, for many of the properties, to know where their training stands and the types of training, whether it is awareness training or response training. And we are going to start there and use that for the grants process—

Ms. SANCHEZ. Let me ask a quick question before I have Mr. Rosapep answer this previous question.

TSA employs over 40,000 people. We know that the majority of these people are related to aviation security. In fact, from the numbers that I have, only 10 people work in the mass transit section at TSA.

Why are there only 10 people?

Mr. SAMMON. There are 10 people in mass transit; there are about 10 or 12 in rail. Each of the policy areas has a limited number of people. The 40,000 people are largely baggage screeners and passenger screeners that are out in the field at airports—the screeners, their supervisors and so on. And that is the majority of the expense that TSA has there. But—

Ms. SANCHEZ. So you are telling me that in TSA, most of these people are actual people hands-on. And, while you only have 10 people who are planning the mass transit section, and you have 10 people in the rail section, so does that mean you only have 10 people in management for TSA that aren't actually baggage checkers or security checkers? I mean, what is the number for the aviation component?

Mr. SAMMON. That is a good question. The comparable number of people in airports is five. The comparable number of people in airlines is under 10.

So to make that comparison is not a direct comparison, but the number of policy-planning people in airports and airlines is under 20. And it is about the same number of people in mass transit and rail.

Ms. SANCHEZ. But you have the same number for mass transit in the entire United States, not per airport.

Mr. SAMMON. No, no, no. What I have in TSNM that you are comparing the 10 people from mass transit and rail, the 10 rail, 10 mass transit, I have approximately 10 for airlines and approximately five for airports.

Ms. SANCHEZ. So you only have 15 in total nationally?

Mr. SAMMON. That are at the TSA office that do the same kind of work as the people that you are comparing for mass transit and rail, yes.

Ms. SANCHEZ. Okay. Thank you.

Thank you, Mr. Chairman. I see my time is over.

Mr. DICKS. I have no further questions, Mr. Chairman.

Mr. LUNGREN. Okay. Well, we thank the panel very much for their testimony.

You might be advised that members may send to you written questions, additional questions. We would ask you to respond to those in writing.

And we thank you, once again, for participating.

We now have the opportunity for a second panel, and I would ask them to come forward: Mr. Ed Wytkind, Mr. John Tolman, Chief Polly Hanson, and Mr. Edward Hamberger.

We thank you all for coming.

We have a distinguished second panel to discuss the issue of front-line defense, security training for mass transit and rail employees.

As I mentioned to the first panel, your written testimony will be included in the record in its entirety. So I would ask each of you to confine your statements to approximately 5 minutes for summary, and then we will take questions.

The chair is now privileged to recognize Mr. Ed Wytkind, the president of the Transportation Trades Department at the AFL-CIO, to testify. Sir?

STATEMENT OF ED WYTKIND, PRESIDENT, TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

Mr. WYTKIND. Good morning. Thank you, Mr. Chairman and Ms. Sanchez and Mr. Dicks. It is certainly good to be before the committee. Thank you for providing transportation labor this opportunity.

I think, after listening to the first panel, it is clear to us that our government continues to do to way too much assessing, debating, evaluating, studying, and hiring of consultants to look at the problems. And we are now 5 years since September 11th, and rail and transit systems really remain unsecure still in America.

And specifically, to the topic of this hearing, I don't really know what workforce our government and many of our employers think they are training. The workforce that I am talking to, the workers that I very recently spoke to about 3 or 4 days ago, very local representatives who are workers in the freight and the passenger rail

industry, they are telling me that they are not receiving training for security. And those that are receiving it are receiving it, kind of, second-and third-hand, through videos and brochures and pocket guides.

And I have been listening for 5 years about how workers are training. And it was interesting, in questions asked by the committee to the first panel, it is kind of shocking to me to hear the Federal Transit Administration say that they are still assessing, you know, what needs to be done and how the training is being done in the field.

I have a tough time evaluating what the gentleman from the TSA said about the grant program and how they are going to begin to somehow condition these grants on worker training. I have no confidence in that.

The Congress has a chance to get the job done on worker security training after 5 years since 9/11 in the pending ports security bill that has now been expanded, or at least there is consideration of expansion, to include rail and transit in there. And in that bill, mandated training is what is pending if the bill gets completed.

That is how you will get the next panel you have before the committee, perhaps in the coming months, to be able to come before you and talk about how workers are actually being trained and how they are operating under a mandate.

Until that mandate is in place, I believe the problems that were very adequately raised by you, Mr. Chairman, by Ms. Sanchez and by Mr. Dicks—who, in a few exchanges with the first panel, really pointed out just how little is being done. And I heard a lot of double-speak and a lot of excuse-making. And frankly, I have been listening to that for 5 years.

And while I may sound a little too hard-edged about it, I have testified many times before the House and the Senate on this very topic. And I started working on this issue literally weeks after September 11th, and it is actually shocking to me that we are still having a debate with our government about whether workers should be trained to deal with security and terrorism risk in the transportation system.

I think, Chairman Lungren, your comments about some of the things that aren't being done to have passengers know what is going on around them, to understand what they ought to be doing in the event of an attack, it is not dissimilar to what I am hearing from Amtrak workers and from mass transit workers.

To this day, at least 60 percent of mass transit workers are telling their union that they are not getting any training. To this day, Amtrak workers are still telling us that the training they are getting is abysmal.

I looked at the video that the railroad industry likes to tout and I am sure will be touted in a few minutes. The video is appalling. It doesn't train workers. There is no guarantee that they will know what they are doing. It is, frankly, a low-budget video that multi-billion-dollar corporations ought to be able to do a better job of producing.

And worst of all, no matter how good the pamphlets are, no matter how good the brochures are, no matter how effective the NTT's training curriculum is—which, by the way, they do a good job—if

the workers at the ground level, at the rank-and-file level do not receive the training in classroom-style environment, with recurring training, with updated training, with security briefings for workers, with the proper communications tools—in addition to passengers not having the ability to communicate by cell, the workers don't have the ability to communicate with each other along much of the rail system. I am sure my colleague, Mr Tolman, may talk about that.

So I had a lot of prepared remarks for this, and I did submit a comprehensive statement. But the panel that you had before us really deserve to be up here another 3 or 4 hours. Because it is appalling to the labor movement that we are still debating, 5 years after 9/11, about whether workers ought to be trained to deal with security risks in the United States of America.

I don't know why we are still there. I am proud to see that the Congress is stepping in to try to fill the gap. But it really is time to get the job done and have workers in this country trained.

Thank you for allowing me the time.

[The statement of Mr. Wytkind follows:]

PREPARED STATEMENT EDWARD WYTKIND

Chairman Lungren, Ranking Member Sanchez, and Members of the Subcommittee, on behalf of the 31 member unions of the Transportation Trades Department, AFL-CIO (TTD), I want to thank you for the opportunity to testify today at this important hearing on security training for workers on our nation's railroads and public transportation systems.¹

TTD's member unions represent hundreds of thousands of bus, subway, light and heavy rail operators, clerks and maintenance employees at transit, commuter and freight rail systems across the country, as well as virtually all workforces at Amtrak. These workers are literally on the front lines of our battle to keep our transportation networks secure each and every day and no one is more vested in improving our lines of defense against those who wish our nation harm.

Five years have passed since the September 11, 2001 terrorist attacks on U.S. soil. In this five-year period alone, we have witnessed four brutal, deadly terrorist attacks on major transit systems in countries across the globe. The July, 2006 attacks in Mumbai, India claimed the lives of nearly 200 people and injured over 700 more. Last year, the London Underground and bus systems were rocked by a series of explosions in which 56 people died and over 700 were injured. In 2004, a bomb in a Moscow Metro rail car killed 39 people and wounded 129 others, and a coordinated series of detonations on four commuter trains in Madrid killed 191 victims and injured over 1,500 more.

It is difficult to believe, but these horrific annual wake-up calls have not been enough to spur this Administration to take action on transit and rail security. Obviously, public transit and rail systems are by their very nature attractive targets for terrorism—they move masses of people, are highly visible and exposed, and are integral to the smooth functioning of both communities and commerce. Yet the federal government still has not stepped in to provide the necessary funding, oversight, and guidance to ensure that railroads and transit systems address their immediate security needs.

Transportation labor has testified numerous times before Congress to chronicle the unacceptable security gaps that continue to exist in surface transportation. Staggering funding deficiencies are just the beginning—the fact that we spend \$9 per airline passenger but just one penny per rail and transit passenger on security is a frequently-quoted statistic, but it bears repeating. In addition, vulnerable targets have not been hardened, access control at key facilities is lacking, and security plans by railroads and transit systems have yet to be adopted and implemented with federal oversight. These and other shortfalls are well documented in the excellent report, *Detour Ahead: Critical Vulnerabilities in America's Rail and Mass Transit Security Programs*, produced by Ranking Member Thompson and others on this Committee.

¹A complete list of unions affiliated with TTD is attached.

Yet today I am here to focus on one fundamental aspect of enhancing security—employee training. Preparing hundreds of thousands of transit and rail workers in the event of a terrorist threat or attack within the U.S. is a vital component of surface transportation security. It is common sense that training each and every frontline employee is a highly effective way to secure and safeguard our transit and rail networks.

Not only do the men and women who work on buses, subways, and railways deserve to be prepared, worker training is also a sound investment of security dollars. With the proper training, frontline workers are well positioned to spot potential security breaches or other warning signs of a potential problem. As the eyes and ears of their workplaces, they are often the first to discover suspicious activities or threats, and are the first to receive reports from passengers. These employees need to know how to recognize a potential problem, what protocols to follow for reporting and responding to potential threats, and how to protect themselves and their passengers from harm.

In the event of an incident or attack, workers are the first on the scene—even before police, fire fighters, and emergency medical responders—and what they do in the first few minutes is crucial to minimizing destruction and loss of life. On the transit and passenger rail side, workers are often called upon to evacuate passengers away from an incident. On the freight railroads, workers are needed to help mitigate damage to facilities and equipment. Training will allow these workers to quickly and efficiently handle the security scenarios they confront on the job.

It is well documented that real security training works. According to a study by the Volpe Center, “probably the most significant factor in determining whether a transportation employee makes a helpful or harmful decision during an emergency is training. Trained and alert transportation professionals can make the difference between success and disaster.” Likewise, Rafi Ron, former Director of Security at Tel-Aviv Ben-Gurion International Airport has testified before Congress that “training provides the skills and confidence. . . to employees who are present at every point in the system. No one is in a better position to recognize irregularities on the ground than the people who regularly work there.” We could not agree more with these strong endorsements of training.

Even officials from the Federal Transit Administration (FTA) and the Transportation Security Administration (TSA) have testified before Congress on the need for and the inherent value of worker security training. In fact, I am sure that in their testimony here today you will hear those exact sentiments. Yet while statements and press releases from the Administration say all the right things, too little has been done to actually ensure that employees receive adequate security training. The problem is not that good training programs have not been developed. The problem is that if railroads and transit systems are not required to provide security training, it will not be universally implemented by systems across the country.

The National Transit Institute (NTI) has taken the lead in developing voluntary training courses and materials that teach workers to improve their ability to observe, recognize, and report suspicious objects and activities, to be more aware of pre-attack activities, and to spot the warning signs of potential threats. Tens of thousands of transit employees on various systems around the country have had access to some form of these training materials.

However, even this only represents approximately 30 percent of the transit industry’s total workforce, according to testimony last July by Chris Kozub, Associate Director of Safety and Security at NTI. A recent survey of transit workers conducted by the Amalgamated Transit Union (ATU) also found that even five years after 9/11, approximately 60 percent of ATU members working for transit systems in the U.S. remain untrained. Even the best programs will have no effect—and will not enhance security—if they are not implemented and used to train all workers.

This low rate of training is even more staggering given that the NTI security training programs are available to transit agencies at no charge. Even with the existence of free programs that can be conducted on site and tailored to the needs of each agency, many transit systems continue to resist calls to train their employees because of the additional costs associated with keeping the buses and trains running during training sessions. Certainly, there are systems like WMATA here in Washington, D.C. and the Los Angeles Metro that have trained their frontline employees without a mandate in place, and we applaud these efforts. Unfortunately, they are clearly the exception rather than the rule. In fact, WMATA is a unique case because, as it is located in the nation’s capitol, the system has received record amounts of funding from DHS for security enhancements. Experience dictates that leaving the choice up to industry does not lead to a sufficient number of workers being trained. Congress must step in and extend this crucial instruction to *all* transit workers.

On this point, I would like to note that this Committee included language requiring the Department of Homeland Security (DHS) to issue guidelines on rail and transit worker training during markup of the DHS reauthorization bill. While we support the inclusion of language in Section 903 of this bill (H.R. 5814), this provision falls short of requiring transit systems and railroads to conduct training. Instead, we urge the Committee to support an approach, such as the provision included in the security bill introduced by Ranking Member Thompson, Representative Loretta Sanchez and others (H.R. 5714) to mandate training. In addition, the Transportation and Infrastructure Committee has unanimously passed a transit security bill (H.R. 5808) that includes similar language requiring transit worker training.

The reality on the freight and passenger rail side is even more astounding, where workers are receiving virtually no security training. Rail workers continue to tell us that if they get any training at all, it consists of a pamphlet or a short video on suspicious packages that offers vague, and often conflicting, guidance. I have seen one of these videos and it does little to teach workers how to be more aware of their surroundings in and around rail cars, yards, and maintenance facilities or how to spot vulnerabilities—and certainly not what to do or who to communicate with about a security breach. The training materials are not tailored to any specific job responsibilities and are not designed to impart any specific skills—they simply tell workers to be vigilant. There is absolutely no way that this constitutes meaningful training.

Let me give you just one example I recently heard from one of our members about why security training—and treating workers as partners—is so critical. There have been several instances of bomb threats on Amtrak trains, during which crew members were instructed to remain on the trains without any information or knowledge of what was happening. Passengers were evacuated from the train and surrounding platforms while security forces conducted a sweep of the area. This is clearly unconscionable from a worker safety perspective. But more broadly, leaving these workers to fend for themselves without protocols to communicate with law enforcement personnel or without a way to provide assistance based on what they could have witnessed on the train also creates a huge disconnect in our efforts to strengthen the security of passenger rail.

We understand that Amtrak and the Association of American Railroads (AAR) have partnered with NTI and TSA to develop a computer-based, system security training program for all passenger and freight railroad employees. Amtrak has alleged that at least 10,000 employees had received this training as of the end of last year and that the intent was to have workers do this training at their worksites during layovers or after hours. Yet, I hear from our members at Amtrak that in most places, employees have absolutely no access to a computer, let alone the information of how to log in to the Amtrak intranet and receive training. Therefore, if they are even being given the information, workers are being asked to undergo training on their own initiative and on their own time. And despite the claims that workers had received training materials last year, most of our members received a pamphlet on system security awareness—but it was mailed to their homes just last week.

Freight railroad employees have had even less access to security training—despite what you may hear from my fellow panelist from the AAR. These employees work in tunnels, in unsecured yards, and perform critical maintenance at facilities without restricted access, yet they have not been told by their employers what protocols are in place should an incident or threat arise, or should they see something out of the ordinary. The lack of training for these employees is even more intolerable since there is absolutely no reason why the freight railroads cannot leverage the resources to provide real security training for its workers. Unlike public authorities that are dependent on government grants to implement training, these multi-billion dollar corporations that are awash in cash can certainly afford to continue to run the trains while paying for on-the-job training for its workforce.

To the extent that the partnership with NTI improves training materials available to rail workers, we are clearly supportive. We caution, however, that computer-based training materials are a good supplement to, and not a substitute for, a live training course. Although an interactive computer program is better than being told to watch a video, this type of training does not provide workers with the opportunity to ask questions or actively apply the information to their particular workplaces. Security training cannot be a one-time, check-the-box exercise for employers. Workers cannot be expected to retain and apply skills which they were exposed to one time for the remainder of their work tenure and refresher materials are critical to make sure workers are most effective on the front lines.

More to the point, one only need look at what has happened on the transit side to know that even with the best programs available on the rail side, unless frontline employees are required by TSA to undergo training, there is little reason to believe that they will receive it. My members find it difficult to believe that the railroads, who have argued since 9/11 that mandatory training is too burdensome or that training is already being done and therefore no federal intervention is needed, have had a sudden change of heart. Instead, Congress must step in and instruct TSA to ensure that worker training actually gets done.

Finally, I would like to note that this Committee is on record in support of mandatory security training for port employees. Thanks to the leadership of Representatives Reichert and Pascrell, an amendment was adopted during full Committee consideration of the port security bill (H.R. 4954) to require DHS to develop guidelines for a port worker security training program. While the final conference report is being negotiated as I speak, we understand that worker training language, which was also included in the Senate bill, will be retained. Moreover, a Senate Commerce Committee rail security bill was included as an amendment to the port security bill during Senate floor consideration. This amendment also includes a worker training mandate for the rail sector. We strongly support the inclusion of training language for all workers—port, rail, and transit—in a final conference report on port security.

Arming frontline transportation employees with the knowledge of how to spot and react to potential threats and how to protect themselves, their passengers and their workplaces in the event of an emergency is a fundamental, common-sense security enhancement. Workers must be treated as partners in the battle to protect our vulnerable rail and public transit systems, and only through training will they be prepared to do so. I urge this Committee and this Congress to pass legislation requiring security training for rail and transit workers and to remain vigilant in overseeing that this requirement is fully implemented.

Thank you for the opportunity to share transportation labor's views today.

TTD MEMBER UNIONS

THE FOLLOWING LABOR ORGANIZATIONS ARE MEMBERS OF AND REPRESENTED BY THE TTD:

Air Line Pilots Association (ALPA)
 Amalgamated Transit Union (ATU)
 American Federation of State, County and Municipal Employees (AFSCME)
 American Federation of Teachers (AFT)
 Association of Flight Attendants-CWA (AFA-CWA)
 American Train Dispatchers Association (ATDA)
 Brotherhood of Railroad Signalmen (BRS)
 Communications Workers of America (CWA)
 International Association of Fire Fighters (IAFF)
 International Association of Machinists and Aerospace Workers (IAM)
 International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
 International Brotherhood of Electrical Workers (IBEW)
 International Federation of Professional and Technical Engineers (IFPTE)
 International Longshoremen's Association (ILA)
 International Longshore and Warehouse Union (ILWU)
 International Organization of Masters, Mates & Pilots, ILA (MM&P)
 International Union of Operating Engineers (IUOE)
 Laborers' International Union of North America (LIUNA)
 Marine Engineers' Beneficial Association (MEBA)
 National Air Traffic Controllers Association (NATCA)
 National Association of Letter Carriers (NALC)
 National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
 National Federation of Public and Private Employees (NFOPE)
 Office and Professional Employees International Union (OPEIU)
 Professional Airways Systems Specialists (PASS)
 Sheet Metal Workers International Association (SMWIA)
 Transportation • Communications International Union (TCU)
 Transport Workers Union of America (TWU)
 United Mine Workers of America (UMWA)
 United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW)
 United Transportation Union (UTU)

Mr. LUNGREN. Thank you, Mr. Wytkind.

And now the chair would recognize Mr. John Tolman, the vice president and national legislative representative of the Brotherhood of Locomotive Engineers, to testify.

STATEMENT OF JOHN TOLMAN, VICE PRESIDENT AND NATIONAL LEGISLATIVE REPRESENTATIVE, BROTHERHOOD OF LOCOMOTIVE ENGINEERS

Mr. TOLMAN. Thank you, Mr. Chairman Lungren and Ranking Member Sanchez and members of the committee. I appreciate the opportunity to be here today, and I appreciate the interest that Congress has taken on this issue.

I could almost echo my colleague Ed Wytkind's testimony to every word he said. However, I did prepare a brief statement, and I will run through it.

I represent approximately 70,000 members of the Teamsters Rail Conference, which is made up of Brotherhood of Locomotive Engineers and Trainmen and Brotherhood of Maintenance of Way Workers.

The issue of rail security is of vital concern for our rail workers and general public. And each and every day, we are on the front lines of our nation's transportation system and see the woeful lack of security on the railroads.

The lack of security is more than just troubling; it is tragic. It is tragic because we have seen the damage that can be done by these accidents on the railroads and shudder to think of the damage that could be wrought by the terrorists or sabotage.

It is frightening to think today that, after more than 250 terror attacks on railroads worldwide from 1995 to 2005?since June of 2005, we have seen attacks in London, India. And in the past 11 years, there has been only one successful attack in the United States, and that is in Hyder, Arizona, on October 9, 1995. It killed an Amtrak employee and injured 78 other people. This case has not been solved today. And more recently, there have been plans uncovered—there were attempted attacks on New York subways 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 the rail security system works. However, our current regulations are severely inadequate.

As you know, the Department of Homeland Security and Transportation Security Administration spend \$9 per day per passenger on security but only one cent per rail and mass transit passenger. This is a pittance when compared to the number of riders each day on our nation's rail and mass transit.

Each weekday, 11.3 million passengers in 35 metropolitan areas in 22 states use some form of rail or mass transit. These passengers ride over trains that cover 10,000 miles of commuter rail and urban rail lines.

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

In response to these concerns, we have taken a number of actions. For example, the BMWED and the BLEET have drafted model security legislation. There has been introduced at state level in every section of the country. This legislation, we believe, would accomplish, among?most important is training and whistle-blower protection.

Also, in May, a meeting with the Federal Railroad Administration Rail Safety Advisory Committee that two of our state legislative directors made a presentation, currently available with a locking device for locomotive automatic brake valves. These locks that would prevent an unauthorized person from moving a locomotive are already in use in some European countries and other parts of the world.

Ultimately the strongest response to potential security threats faced by the railroad and transit industries begin in this House. And we applaud this committee for taking this issue up. We would ask for your consideration for H.R. 4954. We believe that that addresses some of our concerns.

When we did a survey of over 4,000 of our members, 84 percent of them said they received absolutely zero training post-9/11. And that was in 2004-2005. This is a major concern for us, and we look forward to working with you to try to help correct this issue today.

Thank you very much.

[The statement of Mr. Tolman follows:]

PREPARED STATEMENT OF JOHN P. TOLMAN

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 BLEET and the Brotherhood of Maintenance of Way Employees 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.154 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.154 adopted by the Senate should be accepted in conference, because—if enacted into law—it will provide us the opportunity to do so.

Mr. LUNGREN. Thank you very much.

And now the chair recognizes Chief Polly Hanson, Metro Transit Police Department of the Washington Metro Area Transit Authority, to testify.

STATEMENT OF POLLY HANSON, CHIEF, METRO TRANSIT POLICE DEPARTMENT, WASHINGTON METRO AREA TRANSIT AUTHORITY

Chief HANSON. Good morning, Chairman Lungren and members of the committee. My name is Polly Hanson. I am the chief of the Metro Transit Police here in Washington, D.C. The Metro Transit Police was established in 1976 with the mission of providing the security of Metro’s customers, employees, facilities, and revenues, and preventing crime.

The recent bombings in Madrid and London did call for a top-to-bottom re-emphasis and re-energizing of our entire workforce on anti-terror emergency response procedures and training.

We did work with NTI and FTA in the development of the “Warning Signs” video and the brochures that have been referred to. And we do and have offered that training in situations where there is someone, generally a Transit Police officer or a trained instructor, to discuss what people see and to re-emphasize the procedures. We also have this on our intranet, so that nonoperational employees may view the video, which has been shown in management meetings as well. And we look forward to working with both FTA and NTI in the development of the next series of trainings or “Warning Signs II.”

We have supplemented our existing training working with NTI to develop specialized training for employees who maintain escalators, track structures, buses, and railcars. And we will be using fiscal year 2005 Department of Homeland Security bus grant money to develop anti training for not just our bus operators but we are going to share that with all the bus systems in the region that feed into Metro property.

As the largest transit provider for the nation’s capital, we take responsibility in homeland security with the seriousness it demands. Our approach to transit security involves partnerships with our employees, our customers, the Transit Police, and our other public safety partners.

In 2004, we launched a training initiative called “Managing Metro Emergencies.” It was devised and developed in response to both the Madrid bombings and a tremendous amount of criticism that WMATA received after we had to evacuate people from a station because of a fire.

This training has provided training to over 2,000 regional law enforcement, fire, rescue, Department of Transportation, and Metro

personnel. And it examines mitigating, evacuating, and recovering from a major service disruption. The course puts particular emphasis on enhancing the management of the pedestrians and vehicle traffic.

And it was well-received by the region so much that firefighters in the region demanded a "Managing Metro Emergencies II" class through the Council of Governments and requested Urban Area Security Initiative money so that we can actually run that in a table-top setting.

Also in partnership with the Department of Homeland Security, we did have an opportunity to pilot and launch the Behavioral Assessment Screening System training. And we have hosted over 300 Metro Transit Police and regional law enforcement officers who took this highly specialized training to spot behaviors of would-be terrorists planning to execute an attack.

We have an emergency response facility, which we opened in 2002, that is the only transit facility of its kind in the nation that is available 24 hours a day, 7 days a week, to train emergency personnel. It includes a mock train tunnel that allows regional emergency responders to train for disasters like smoke and fire, collisions, and terrorist incidents in a transit tunnel environment.

And more than 8,000 firefighters, police officers, first responders, FBI, Bureau of Alcohol, Tobacco and Firearms, and the Pentagon police have trained at this facility. And it was given the American Public Transportation Association's innovation award in 2004.

The training facility also houses the nation's first passenger rail emergency evacuation simulator, which is a simulator which can roll a commuter rail 180 degrees in a 10-degree increment, simulating railcar positions after derailments.

And we use this rollover rig to train police, fire, and other first responders, and of course have invited any of our local colleagues like Amtrak police to come out and experience that training. And the FRA is going to use it to assist in evaluating interior design safety of inner-city and commuter passenger rail cars.

We continue to be an active participant in regional exercises. Last weekend we sponsored a regional drill that provided an opportunity for region first responders to practice their skills in a Metro environment, using our own procedures, using a rescue train, testing communications. We have also participated in the regional drills and exercises sponsored by the Department of Homeland Security and the Metropolitan Washington Councils of Government.

We think a critical component toward ensuring that the safety that we conduct involves our employees and regional first responders, and we also want to engage our customers, and we have.

And, in fact, we encourage public announcements. And I heard some discussion about that, the "See It, Say It" campaign, "Is that your bag?" But we also have monthly open houses, where our safety, police and corporate communications personnel do hand out evacuation information. And we have also provided opportunities for customers to come, get on a train, and learn themselves how to evacuate.

And in 2004, we launched a program called Metro Citizens Corps that provides Metro-specific training, ranging from rail safety and emergency preparedness to looking for terrorist activity. And more

than 200 citizens across this region have participated in that training. And we will participate in retraining in a drill this Sunday as well.

We appreciate the important contribution that training provides, and will continue to seek opportunities to work with our employees and partners, including the Federal Transit Administration and Department of Homeland Security, to refine, expand, and progress in the training arena.

I appreciate any comments that you may have, or questions. And I would be happy to answer them.

[The statement of Chief Hanson follows:]

PREPARED STATEMENT OF POLLY L. HANSON

Chairman Lungren and Members of the Committee, good morning and thank you for asking Metro to testify at this hearing. I am Polly Hanson, Chief of the Metro Transit Police Department (MTPD) for the Washington Metropolitan Area Transit Authority (WMATA).

Background on WMATA and MTPD

By way of background, WMATA was created in 1967 as an Interstate Compact agency through enactment of legislation by the U.S. Congress, and by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. The Metro System is designed to serve the constituencies of the National Capital Region, including employees of the federal government, the residents of the region, the citizens of our nation who come to Washington to do business with the federal government, and the millions of people who visit from throughout the world.

Since the mid 1960's, there has been dramatic growth and change in the National Capital Region. As population and employment in this region has skyrocketed, the demands on and expectations of WMATA have also grown exponentially. Each day we provide 1.2 million trips on our rail and bus systems. We are the second largest subway system and fifth largest bus system in the United States. Metro is widely recognized as being critical to the operation of the federal government. Over 150,000 federal employees (45 percent of the region's federal employees) participate in the Metrochek program. Nearly half of all Metrorail stations serve federal facilities, and approximately 10 percent of Metro's daily ridership uses stations next to the Capitol and Pentagon.

The Metro Transit Police Department was established in 1976. MTPD is the nation's first non federal tri-state transit police force. We have authorized strength of 423 sworn transit police officers and 102 special police officers. Our purpose is to prevent crime, protect Metro's customers, employees, facilities and revenues and enforce laws, ordinances, rules and regulations.

WMATA's Employee Security/Emergency Preparedness Training Initiatives

The recent rail/transit bombings in Madrid and London have also called for a top to bottom re-emphasis and re-energizing of our entire workforce on anti-terror and emergency response training. Many of the industry's best practices have been incorporated into nationally available resources developed in partnership with the Federal Transit Administration and the National Transit Institute (NTI). Since 2003, all of our bus drivers, train operators and other operations employees have been shown the National Transit Institute's *Warning Signs* video, which covers key aspects of system security for transit employees, including what to look for and what to do regarding suspicious activity, packages, devices and substances. Last year, after the attacks in London, we began showing the video again to all of our 8000 operations employees. They also receive job specific security brochures covering these areas. The *Warning Signs* video is also being shown to non-operations personnel, and has been posted on our internal web site for viewing by all 2000 non-operations employees.

We look forward to the next version of *Warning Signs* being developed by FTA and NTI.

We are supplementing our existing training for employees with additional terrorist activity recognition classes. WMATA has been working with the National Transit Institute to develop specialized training for employees who maintain escalators, track structures, buses and railcars. The training will review the recognition of unattended or suspicious items and unusual behavior. WMATA is currently using a portion of its FY05 Department of Homeland Security (DHS) Bus Transit Grant

allocation towards the development of an anti-terror training initiative focused on bus operators. Once complete, WMATA plans to share the training with all the local and regional bus operators that feed into WMATA's bus systems.

All of this training will serve to reinforce the need for our employees to respond aggressively in these situations, but it's also worth noting that our operations employees on a daily basis face the challenging task of keeping a prudent balance between implementing proper security safeguards and maintaining rapid transit service.

WMATA's Regional Security/Emergency Preparedness Training Initiatives

As the largest transit provider for the National Capital Region, Metro takes its responsibility in homeland security with the seriousness it demands. WMATA's approach to transit security involves a partnership between employees, customers, the transit police and other public safety departments in the region, and the federal government. Our training initiatives designed to enhance both WMATA and the region's emergency preparedness reflect these partnerships.

Beginning in 2004, Metro Transit Police launched a new training initiative entitled "Managing Metro Emergencies." The training was devised and developed in response to the Madrid bombings as well as a recent series of service disruptions that forced thousands of customers to evacuate the Metrorail system. The "Managing Metro Emergencies" course has provided over 2000 regional law enforcement, fire and rescue, department of transportation and WMATA personnel enhanced training for mitigating, evacuating, transporting and recovering from a major service disruption in our system. The course puts particular emphasis on enhancing the management of pedestrian and vehicle traffic after any evacuations of rail stations. The course was so well received by the region that Metro will be offering a new more operational oriented course requested by the region's fire departments.

Metro transit police in partnership with the Department of Homeland Security launched another new initiative focused on prevention and detection—Behavioral Assessment Screening System (BASS) training. 300 Metro Transit Police and regional law enforcement officers took a highly specialized training course to spot behaviors of would-be terrorists planning or executing an attack, and learned how to take action to mitigate danger, including identifying the behavioral characteristics of a suicide bomber.

WMATA's Emergency Response Training Facility opened in 2002, and is the only transit facility of its kind in the nation that is available 24 hours per day, seven days a week to train emergency personnel. The facility includes a mock train tunnel that allows regional emergency responders to train for disasters such as smoke/fire, collisions and potential terrorist incidents in a transit/tunnel environment. More than 8000 firefighters, police officers and other first responders, including the FBI, Bureau of Alcohol, Tobacco and Firearms, and the Pentagon Force Protection Agency have trained at the facility. The facility was awarded the American Public Transportation Association's Management Innovation Award for 2004.

The training facility also houses the nation's first passenger rail emergency evacuation simulator. The simulator can roll a passenger commuter rail car 180 degrees in 10 degree increments, simulating railcar positions after derailments and other rail incidents. Metro will use the "rollover rig" to train fire, police, and other first responders on the complications associated with rescuing people from a rail car. The Federal Railroad Administration will use it to assist in evaluating interior design safety of intercity and commuter passenger rail cars.

WMATA also continues to be an active participant in various regional exercises. Just last week, WMATA sponsored a regional drill that provided an opportunity for the region's first responders to practice their skills in the Metrorail environment, along with testing Metro's own procedures for utilizing a rescue train. WMATA has also sponsored a series of table top exercises with all key regional players, including federal agencies, as part of our effort to enhance continuity of operations planning (COOP) following the September 11, 2001 attacks. WMATA also participates in regional drills and exercises sponsored by the DHS, the Metropolitan Washington Council of Governments and various local jurisdictions in the National Capital Region.

Public Awareness/Education Campaigns

A critical component towards ensuring that all the training we conduct with our employees and regional first responders raises the National Capital Region's emergency preparedness level is to also constantly engage our customers. WMATA has increased public announcements to our customers, stressing the need to be attentive to their surroundings. Our recent public outreach efforts include campaigns known as, "See it, Say it" and "Is that your bag?" which was cited by former Department of Homeland Security (DHS) Under Secretary Hutchinson as an effective tool for

raising passenger awareness and involvement in the transit environment. We are also conducting monthly "Open Houses" at rail stations during the morning rush hour. During these events, officials from the Metro Transit Police and our safety and communications departments are on hand to answer questions from customers as well as distribute emergency preparedness/safety brochures and expanding upon emergency evacuation procedures that can be found at our web site: www.wmata.com.

In 2004, Metro Transit Police launched a Metro Citizens Corps program that provides Metro-specific training ranging from rail safety and emergency preparedness and response to identification of terrorist activity. More than 200 citizens across the region have received the training. Area residents who have received specialized community/emergency response training within their local jurisdiction are eligible to join the Metro Citizens Corps.

Conclusion

WMATA appreciates the important contribution training provides towards enhancing our emergency preparedness and response capabilities and will continue to seek opportunities to work with our employees and many partners in the National Capital Region, including the Federal Transit Administration and the Department of Homeland Security to refine and expand upon the progress achieved to date. I would be happy to answer any questions posed by the Committee.

Mr. LUNGREN. Thank you very much, Chief. Appreciate that.

The chair would now recognize Mr. Edward Hamberger, the president and CEO of the American Association of Railroads, to testify.

STATEMENT OF EDWARD HAMBERGER, PRESIDENT AND CEO, AMERICAN ASSOCIATION OF RAILROADS

Mr. HAMBERGER. Thank you, Mr. Chairman. On behalf of the members of the AAR, thank you for the opportunity to discuss security training for freight rail employees this morning.

Railroads moved forcefully and comprehensively to improve security immediately after the events of 9/11. We did not wait for government mandates to develop a comprehensive security plan. Indeed, immediately following the terrorist attack, we created a top-level security task force comprised of more than 150 railroad customer and former intelligence personnel to conduct an exhaustive evaluation of freight rail security issues.

The end result was the Terrorism Risk Analysis and Security Management Plan, a comprehensive, intelligence-driven, priority-based blueprint of actions designed to enhance freight rail security. I know, Mr. Chairman, you have received a briefing. I know that the majority and minority staff have received detailed briefings on this plan. It was adopted by the AAR in December 2001 and remains in effect today.

As a result of that plan, the railroads quickly enacted more than 50 permanent security-enhancing countermeasures, such as limiting access to key rail facilities and information and tightening up cybersecurity procedures to eliminate access to critical information.

In addition, the plan defines four progressively higher-security alert levels and details a series of specific actions to be taken at each level. Railroads test the plan through regular tabletop exercises and drills to evaluate it and modify it as necessary.

Our security plan does rely heavily on the efforts of our industry's dedicated and highly professional employees. They are, indeed, the eyes and ears in the industry's security effort. As was true of our overall security plan, we did not wait for government mandates when it came to security training for our employees.

The industry's focus has been on recognize, record and report. The training has included what to do when an employee sees a stranger, suspicious activity, or suspicious object on rail property, to whom to report the anomaly, the need to keep information about train movements and cargo confidential, and the need to keep rail property secure and safe.

We began implementing an employee security training shortly after 9/11 when the Class I railroads provided training videos and printed materials to all employees.

In the materials, the railroads expressed to their employees three fundamental expectations that are the cornerstones of rail employees' responsibilities regarding security: Number one, do not put yourself in danger. Number two, report suspicious activities on or around railroad property. And number three, do not divulge sensitive information about rail operations to others.

Over time, freight railroads began to incorporate security issues in a more formal fashion, for example, as part of employees' periodic FRA-mandated safety rules recertifications, as part of new-hire training, and as part of new-manager training.

Many railroads have incorporated security issues into employees' manual of standard operating procedures.

Moreover, as you heard on the first panel, all railroads are compliant with the U.S. DOT-mandated hazardous material 232 security training for employees who handle hazardous materials.

More recently, railroads concluded the security would be enhanced if rail employees' security training was more standardized across the industry through the use of a common curriculum. And that has been accomplished.

Much of the work was done in collaboration with the National Transit Institute at Rutgers University, which developed the interactive uniform security curriculum for public transit employees. With NTI's assistance, we adapted that curriculum for use by freight rail employees.

It includes four modules: what is security; vulnerability risk and threat; what to look for; and employees' role in reducing risk. The goal of the standardized curriculum is to provide rail employees of an understanding of their role and responsibility in system security, and how to implement the procedures upon detection of suspicious objects or activities.

Also as part of the standardized curriculum, employees are trained how to react to threats, which may take the form of perceived suspicious activity, suspicious or out-of-place objects or vehicles, evidence of tampering with equipment, or warning phone calls.

Again, railroads do not expect their employees to play the hero by potentially putting themselves in harm's way. Instead, they are expected to follow company policies and procedures, informing appropriate authorities of the situation, moving to a safe location, and awaiting further instructions.

One hundred percent of all of our employees will receive this training, and there will be a written record that they have, indeed, receive it. It will be updated and renewed each year. And it also includes daily security briefings as part of the daily safety briefing.

The Senate recently adopted an amendment regarding rail workers security training as part of the port security bill. Thanks to the rail industry's proactive efforts, freight rail security training efforts already include the elements called for in that legislation.

We are proud of the success we have achieved in enhancing security while keeping our nation's vital rail network operating efficiently and safely. We will continue to work with Congress, federal agencies, our employees, the communities in which we operate, and other relevant parties to further improve security and safety even more.

Thank you, Mr. Chairman.

[The statement of Mr. Hamberger follows:]

PREPARED STATEMENT OF EDWARD R. HAMBERGER

On behalf of the members of the Association of American Railroads (AAR), thank you for the opportunity to meet with you today to discuss rail employee security training. AAR members account for the vast majority of rail mileage, employees, and revenue in Canada, Mexico, and the United States.

Nothing is more important for railroads than the safety and security of their operations. Indeed, for railroads, safety and security are interconnected: a safer workplace will tend to be a more secure workplace, and a more secure workplace will tend to be a safer workplace. That's why everyone should be encouraged by the fact that the safety of rail operations continues to improve. By a variety of measures, railroads are the safest transportation mode.

In fact, according to Federal Railroad Administration (FRA) data, the rail industry reduced its overall train accident rate 65 percent from 1980 to 2005, and 15 percent since 1990. The rate of railroad employee casualties has been reduced 79 percent since 1980 and 69 percent since 1990, and in 2005 was the lowest in history. Through the first six months of 2006, the train accident rate is 18 percent below the comparable rate in the first six months of 2005 and is on pace to set a new annual record, while the employee casualty rate is down nearly 10 percent and is also on pace to set a new record.

Freight railroads are proud of these safety accomplishments. At the same time, though, they are keenly aware of the tension between the need for transportation efficiency and the assurance that our transportation systems are adequately protected from terrorist and other threats. There must be a proper balance between efforts to protect against terrorist acts, on the one hand, and providing for the free flow of goods and promoting our country's international competitiveness on the other.

Below I will briefly describe efforts freight railroads have made to enhance security in the post 9-11 era and address the specific area of rail employee security training. In a nutshell, railroads expect their employees to avoid putting themselves in danger in the event of a real or perceived security-related incident; to report any suspicious activity on or around rail property to the proper authorities; and to refrain from divulging sensitive information on rail operations to those who have no need to know that information.

The Railroad Terrorism Risk Analysis and Security Management Plan

Immediately following the terrorist attacks in September 2001, U.S. freight railroads created a top-level security task force (comprised of more than 150 railroad, customer, and intelligence personnel) to conduct an exhaustive evaluation of freight rail security issues. The end result was the Terrorism Risk Analysis and Security Management Plan, a comprehensive, intelligence-driven, priority-based blueprint of actions designed to enhance freight rail security. The plan was adopted by the Association of American Railroads (AAR) in December 2001 and remains in effect today.

As a result of the plan, freight railroads quickly enacted more than 50 permanent security-enhancing countermeasures. For example, access to key rail facilities and information has been tightened, and cyber-security procedures and techniques have been strengthened. Security awareness briefings were given to railroad employees, who were instructed to maintain high awareness and vigilance and to immediately report suspicious activity.

In addition, the plan defines four progressively higher security alert levels and details a series of actions to be taken at each level:

Alert Level 1 is "New Normal Day-to-Day Operations" and exists when a general threat of possible terrorist activity exists, but warrants only a routine security pos-

ture. Actions in effect at this level include conducting security training and awareness activities; restricting certain information to a need-to-know basis; restricting the ability of unauthenticated persons to trace certain sensitive materials; and periodically testing that security systems are operating as intended.

Alert Level 2 (which is in effect today) is "Heightened Security Awareness." It applies when there is a general non-specific threat of possible terrorist activity involving railroad personnel and facilities. Additional actions in effect at this level include security and awareness briefings as part of daily job briefings; conducting content inspections of cars and containers for cause; conducting spot content inspections of motor vehicles on railroad property; and increasing security at designated facilities.

Alert Level 3 means there is "a credible threat of an attack on the United States or railroad industry." A decision to declare Level 3 will be evaluated in light of the specificity of a threat against railroad personnel and facilities. Examples of Level 3 actions include further restricting physical access and increasing security vigilance at control centers, communications hubs, and other designated facilities, and requesting National Guard security for critical assets.

Alert Level 4 applies when a confirmed threat against the rail industry exists, an attack against a railroad has occurred, an attack in the United States causing mass casualties has occurred, or other imminent actions create grave concerns about the safety of rail operations. Security actions taken at this level include stopping non-mission-essential contractor services with access to critical facilities and systems; increasing vigilance and scrutiny of railcars and equipment during mechanical inspections to look for unusual items; and continuous guard presence at designated facilities and structures.

Alert Levels 3 and 4 can be declared industry-wide for a short period of time or can be declared in a particular geographic or operational area (e.g., the Midwest or hazardous materials) where or when intelligence has identified that terrorist action against a specific location or operation is imminent.

Railroads test the plan through table-top exercises twice yearly, and evaluate and modify it as needed to ensure maximum continued effectiveness.

Access to pertinent intelligence information is a critical element of the plan. To this end, the rail industry is in constant communication with the Transportation Security Administration (TSA) and elsewhere within the Department of Homeland Security (DHS), the Department of Defense (DOD), the Department of Transportation (DOT), the FBI's National Joint Terrorism Task Force (NJTTF), state and local law enforcement, and others. A railroad police officer and railroad analysts who hold Top Secret clearances work with government intelligence analysts at NJTTF and at DHS to help evaluate intelligence and to serve as subject matter experts.

Intelligence information, in turn, is disseminated through the Railway Alert Network (RAN), a secure 24/7 communications network operated by the AAR at the Secret level that links federal security personnel with railroad operations centers. Through the RAN, railroads and the intelligence community share information to maintain situational awareness and immediately institute appropriate alert levels.

Communication is also enhanced by the Surface Transportation Information Sharing and Analysis Center (ST-ISAC), which was established by the AAR at the request of the DOT. The ST-ISAC collects, analyzes, and distributes security information from worldwide resources to help protect vital information technology systems and physical assets from attack. It operates 24/7 at the Top Secret level. The ST-ISAC grew out of Presidential Decision Directive 63 (May 22, 1998), which recognizes freight railroads as "essential to the minimum operations of the economy and government."

Rail security efforts strongly benefit from the fact that major railroads have their own police forces, and a rail security amendment to the port security bill recently passed by the Senate would further enhance the ability of railroad police to ensure rail security. This amendment would permit police officers in the employ of one railroad to exercise their law enforcement powers on the property of another railroad. This flexibility could prove especially valuable in the event of a national security threat involving an individual railroad. AAR strongly supports this provision.

Notwithstanding rail industry efforts, there can be no 100 percent guarantee against terrorist assaults, including assaults involving hazardous materials (hazmat). If such an assault involving freight railroads occurs, railroads have well-established programs and procedures that can and will be invoked that are designed to respond to and minimize the impact of such incidents.

In this regard, the efforts of emergency response personnel are critical. Railroads assist communities in developing and evaluating hazmat emergency response plans. Through their own efforts and the Transportation Community Awareness and Emergency Response Program (TRANSCAER), they provide basic training for more than 20,000 emergency responders per year.

In addition, more than 20 years ago, the AAR established the Emergency Response Training Center (ERTC), a world-class training facility that is part of the Transportation Technology Center, Inc. (TTCI) in Pueblo, Colorado. The ERTC has provided in-depth hazmat emergency response training to more than 25,000 emergency responders and railroad and chemical industry professionals from all over the country and abroad. Most recently, the ERTC entered into an agreement with DHS to provide critical training for 100 new rail security inspectors hired by the TSA.

The ERTC is considered by many to be the “graduate school” of hazmat training because of its focus on comprehensive, hands-on training using actual rail equipment. That’s why the AAR strongly supports the Allard/Salazar amendment to the port security bill that would make the TTCI a member of the National Domestic Preparedness Consortium (NDPC), which is a group of premier institutions that develop, test, and deliver training to state and local emergency responders.

Rail Employee Security Training

Railroad security efforts depend a great deal on the efforts of railroads’ dedicated and highly professional employees—including engineers and conductors aboard trains; maintenance of way crews, inspectors, and signalmen working along railroad right-of-way; railroad police officers; and others. They are the “eyes and ears” in the industry’s security effort, and we should all be grateful for their vigilance and care. In terms of employee security training, the freight rail industry’s focus has been on “see something, say something,” and keep out of harm’s way. The training has encompassed topics such as what to do when an employee sees a stranger or suspicious activity on rail property; to whom to report the anomaly; the need to keep information about train movements and cargoes confidential; and the need to keep rail property secure and safe.

With 9/11, it became clear to railroads, as it did to firms in other industries, that security awareness would have to take on new importance. In response, Class I railroads soon thereafter provided a training video and/or printed materials to all employees—in most cases mailing the materials to employees’ homes—that could be characterized as “Security Awareness 101.” In the materials, the railroads expressed to their employees three fundamental expectations that to this day remain cornerstones of rail employees’ responsibilities regarding security: don’t put yourself in danger; report suspicious activities on or around railroad property; and don’t divulge sensitive information about rail operations to others.

Over time, freight railroads began to incorporate security issues in a more formal fashion—for example, as part of employees’ periodic FRA-mandated safety rules recertification, as part of new-hire training, and as part of new manager training. Many railroads have incorporated security issues into employees’ manual of standard operating practices. Moreover, all railroads are compliant with U.S. DOT-mandated HM-232 security training for employees who handle hazardous materials.

More recently, railroads concluded that rail security would be enhanced if rail employee security training was more harmonized across railroads through use of a standardized curriculum, and railroads have made that harmonization a reality.

Much has been done in collaboration with the National Transit Institute (NTI) at Rutgers University. NTI was established under the Intermodal Surface Transportation Efficiency Act of 1991 to develop, promote, and deliver training and education programs for the public transit industry. Freight railroads are fortunate to have been able to take advantage of NTI’s success in promoting safety and security in public transit to develop an interactive, uniform security awareness curriculum for freight rail employees.

The standardized curriculum has four modules: What is Security; Vulnerability, Risk, and Threat; What to Look For; and Employees’ Role in Reducing Risk. The goal of the standardized curriculum is to provide rail employees with an understanding of their role and responsibility in system security, and how to implement their companies’ procedures upon detection of suspicious objects or activities.

For example, one module of the curriculum focuses on what system security entails in a general sense—*i.e.*, the use of operating and management policies and procedures to reduce security vulnerabilities to the lowest practical level, as well as a process focusing on preventing all levels of crime against people and property. Under a system security approach, rail employees are taught to realize that they and their duties are part of a larger, extensive system and that system security begins with the employee. To that end, employees are encouraged to be observant and to be familiar with their companies’ policies and procedures in the event of a threat or incident.

Another module of the curriculum covers how to identify suspicious or dangerous activities. In the case of suspicious individuals, the focus is on behavior—specifically, where the person is, when he or she is there, and what he or she is doing.

Railroads know that their employees know their daily work area (*e.g.*, facilities, right-of-way, rolling stock) better than anyone, and will be in the best position to know if something does not look quite right or is out of place. Thus, for employees, training emphasis is on being familiar with their work area; observing and reporting suspicious activities and objects; reporting missing or malfunctioning equipment; and, if appropriate and endorsed by their railroad's policies, approaching and engaging persons to resolve or confirm suspicions. However, rail employees are not to approach threatening people; are not to try to intervene in dangerous activities; are not to pick up, touch, or move suspicious objects; are expected to withdraw from any dangerous environment or situation; and are expected to report dangerous situations immediately.

As part of the standardized curriculum, employees are also trained how to react to threats, which may take the form of perceived suspicious activity, suspicious and/or out-of-place objects or vehicles, evidence of tampering with equipment, phone calls or other warnings, or other circumstances. Again, railroads do not expect their employees to "play the hero" by potentially putting themselves in harm's way. Instead, they are expected to follow their company's policies and procedures, inform the appropriate authority of the situation, move to a safe location, and wait for further instructions.

As noted earlier, the full Senate recently adopted several rail security amendments as part of the port security bill. The legislation now heads to conference with a similar measure cleared by the House of Representatives in May.

Among many other things, the Senate-passed bill requires DHS to develop guidance for rail worker security training to include determination of the seriousness of any occurrence, crew communication and coordination, appropriate responses, evacuation procedures, psychology of terrorists, and situational training. Thanks to the rail industry's proactive efforts, the rail employee security efforts noted above already include these elements, and more.

According to the Senate bill, within 90 days after guidance is issued, railroads are to submit their training programs to DHS for review. We submitted our program both to DHS and to FRA for review and comment in February 2006. TSA has reviewed the rail industry's training program, and earlier this week communicated that it is "relevant and up-to-date" and is "helpful" in "rais[ing] the baseline of security-related knowledge."

Earlier this week, TSA dispatched approximately 100 security inspectors to rail facilities throughout the country to observe and evaluate railroad compliance with seven voluntary security-related action items. Five of these action items deal with employee security training.

Under the Senate bill, within one year of a DHS review, railroads must complete training of all front-line workers, defined as security personnel, dispatchers, train operators, other on-board employees, maintenance and maintenance support personnel, bridge tenders, and others as deemed appropriate by the Secretary of DHS. Even without this legislation, railroads will accomplish this objective. Going forward, rail employee security training will be documented and records of it maintained.

As the information noted above makes clear, railroads treat very seriously their obligations in regard to security and have made sustained, earnest efforts to provide their employees with the tools and training they need to react appropriately when security-related issues arise. Moreover, railroads are not standing still in this regard. Through their efforts with NTI and others, railroads are continually refining their training efforts to improve their usefulness and effectiveness. Railroads are also always open to reasonable, constructive suggestions on how employee security training can be improved.

At times, though, some rail industry critics, including some elements within rail labor, are not always constructive or reasonable. Members of this committee should be made aware that most major freight railroads are currently engaged in negotiations concerning a new national collective bargaining agreement with more than a dozen unions representing rail industry employees. During this period of negotiations, union leaders have at times engaged in self-serving tactics aimed at the bargaining table that misrepresent the industry's strong record of safety and security. A case in point is a recent Teamsters-sponsored attack on the rail industry disguised as a "study" of security gaps on U.S. railroads.

Conclusion

U.S. freight railroads are proud of the success they achieved in keeping our nation's vital rail transport link open following the September 11, 2001 terrorist attacks. Since then, railroads have taken many steps to increase the security of our nation's rail network, including the development of a comprehensive security man-

agement plan that incorporates four progressively severe alert levels and the institution of effective employee security training programs designed to keep their employees safe while enhancing security. Railroads will continue to work with this committee, others in Congress, federal agencies, and all other relevant parties to further enhance the safety and security of our nation's railroads and the communities they serve.

Mr. LUNGREN. Thank you very much, Mr. Hamberger.

I will yield myself 5 minutes for the first line of questioning.

If I had to describe the impact of the panel, it would remind me of an old movie that I saw years ago when I was in college, and the refrain used in the movie was, "What we have here is a failure to communicate." I get different messages as I go across the panel from left to right or right to left. And I am just trying to figure out whether there is a failure to communicate or there is something deeper than that.

Mr. WYTKIND AND MR. Tolman, the message I got from you was that there has been very little, if any, training of your folks; that the quality of the training is not very good; that, unless you have absolutely classroom-setting training as opposed to videos or CDs or written material, they can't be effective.

And, Mr. Tolman and Mr. Wytkind, both of you seem to suggest?well, you didn't seem to suggest, you stated?that a small percentage of your employees have actually received the kind of training that we have heard about.

Am I missing something here? Do you have any response to what was said by the chief and by Mr. Hamberger?

Mr. WYTKIND. Absolutely. First of all, the comments—

Mr. LUNGREN. And try and keep your comments very succinct so I can try and get folks to respond.

Mr. WYTKIND. I will. And the comments by the chief, we said in our written testimony that we applaud some of the work that is being done by L.A. Transit and by WMATA to try to deal with these training needs. It is still not 100 percent where it needs to be, but they have made great strides there.

On the freight side, there is a lot of material being developed, there is no doubt about it. We also acknowledge that in our written testimony. The issue is the rank-and-file workers are not receiving hands-on training.

And so, the questions need to be developed that need to focus more to the freight railroads of, you know, how are the workers being trained? Are they being put through rigorous training classes while on the job, or are they just being sent home with interactive, kind of, video/Internet programs?

Mr. LUNGREN. So it is not the question that the material is not good. It is the question of whether there has been a concentration of that in an integrated program to?

Mr. WYTKIND. That is right. Although we can't embrace every piece of literature because we don't get asked to provide input. Yes, that is basically the fundamental problem, is they are not receiving it.

Mr. LUNGREN. Okay. Mr. Tolman?

Mr. TOLMAN. Yes, thank you, Mr. Chairman. I would have to agree with my colleague. I mean, essentially they are not receiving anything. Eighty-three percent of them said, in our survey, they weren't.

But we took it one step further, the labor unions, and developed a HAZMAT training class at the George Meany Center. We currently do a class—we probably have about two running every month—to train our members. We take this very serious, as you do. You know, we have taken the initiative in our own hand. Through grant money, we have done this.

But we are not receiving—our members are not receiving—and I can't speak for the transit industry, because we don't represent transit employees, and, you know, so I—

Mr. LUNGREN. Okay. Mr. Hamberger?

Mr. HAMBERGER. I had the same thought run through my mind, as I was listening to Mr. Wytkind and Mr. Tolman, about the failure to communicate.

One of the things that will come out of our effort to have this training, which is part of the recertification process and it is a very direct relationship between the trainer and the employee, we will have a written record. We will no longer have the discrepancy of whether or not the employees have received the training, whether or not the training is acceptable.

We have submitted this series of four tapes to both the FRA and the TSA last February. We did hear from the TSA earlier this week. And what they said was that it was—

Mr. LUNGREN. I will hold more hearings, from now on.

Mr. HAMBERGER. Yes. That it was “relevant, up-to-date and helpful in raising the baseline of security-related knowledge.”

We are committed, as I have tried to get across in my testimony, to security. We understand the importance of training of employees in security. We believe that this training program is adequate.

And, at the same time, I will refer back to Mr. Sammon's comments, that, beginning this week, the TSA is sending 100 of their inspectors out onto the freight rail properties to take a look at whether or not we are abiding by our commitment, which we have entered into as an industry with TSA, to have rail employee training. They are doing an evaluation and a survey of that beginning this week. We will have third-party indication of whether or not the training is being done and whether or not it is effective.

Mr. LUNGREN. Thank you.

Chief, I respect everything you said. And maybe it is just because I rarely ride the Metro here, but I do occasionally, but I don't—maybe I am not attentive, but when I get on, and if we stop under the river, frankly, I don't have a sense of what I would do, in terms of evacuation.

Am I an odd person out on that, or do you think that most of the folks who ride your rails do have a sense of where they go if there is a problem?

Chief HANSON. I think some of the messages become wallpaper. And I know our train operators make them because we write them. And our spokesperson from the police department is here, and if you go on the subway you hear her voice—if you want to. People have iPods on; they are busy reading books.

And I know, myself, I have been accused of being mean because I have suggested to customers that some of this is a responsibility that they have to take. During an incident, I am not going to be there to hold everybody's hand and show them how to evacuate.

And that is why we have our information on our Web site, a very dynamic display of how to evacuate. It is clearly posted in a visual way that doesn't require as much reading, in case English is not the primary language. And that is why we created this—

Mr. LUNGREN. So that is where I would go find it?

Chief HANSON. There are a number of opportunities to find it. And that is why we do do the outreach. And in September, which was National Preparedness Month, we outreached every week. But—

Mr. LUNGREN. I am not trying to be critical. I am trying to figure out how we solve this problem. You have got our nation's capital, where you have millions of people that come as visitors. They don't ride it every day or every week or every month. They come into town, they go on their—

Chief HANSON. Clearly they would have to follow the instructions of the train operator. And I do agree that training needs to be robust.

Once you watch this, this is about it. Then how do you take it up a notch? And how you take it up a notch is by taking groups of employees and putting them in practical situations, and that costs money. And it costs overtime, because if the train operator, the bus operator and the transit policeman are in some training facility, who is providing the service? And the primary mission of the railroad and the bus company is to drive people around and give them a ride.

And so, there is a huge expense. And if you look at the transit grants, listening to TSA say now they are going to make everybody take their transit grant money, if you only get a couple million dollars, poof, that is gone. And some of the capital investment is necessary. And there is an expectation that the public has that a transit property is doing technology, training, public service campaigns.

So you have scarce funding spread around and diluted then. And being able to provide transit grant money to do backfill overtime is really what is going to help transit properties get employees in situations where they are not having to watch a video in the bus operators' lounge during a break and can actually work with first responders in a situation that replicates the stress and the immediate decision-making that is required to act the way we need people to act when there is an emergency.

I think the American public is not engaged because they don't want to be, and particularly in this region. I think New Yorkers, because it happened there, they have a recognition of the need to be prepared that we don't sense in this region and other parts of America.

But the American public does have to accept some responsibility for what is going to happen in an emergency. Because in the beginning moments, it is going to be chaotic, and the first responders won't be there. And that is when it is so necessary to be able to do what you need to do.

Which is why we took hundreds of CERT members, the people we have trained to evacuate, participated in this drill where we had a train under the water and we had to evacuate people. And it took longer than we thought it was going to take. And we used

the cache of radios that the region has, and communication wasn't what it should have been.

And all of those things, which just highlight once again where we should be focusing our attention with our operational employees. The train operator didn't keep giving messaging to the customers. So there are issues.

And unless you really practice them in a situation like that? watching a video is okay, but it is not really what you want to do. But the industry doesn't have the money to spend. And mandating that people spend their little bit of Transit Security Grant money I don't think is going to get us there either.

Mr. LUNGREN. Ms. Sanchez is recognized for 5 minutes.

Ms. SANCHEZ. I like this chief.

[Laughter.]

I don't think she said anything differently than what I heard out of the people who represent the workers. And I am sensing, from my standpoint, you know, I go up to New York maybe a couple times a year, and I go up to the Bay area in California maybe two or three times a year, and I am here. And once in a while, I use the transit—certainly when I am in those other cities. And here when I have to go anywhere off the Hill and the transit can be used, I use it.

And, you know, I am actually one of those people who gets on in the car and I look around and see who is there, am I going to have any problems, you know, where are the exits. I listen to what the guy is saying, and I read any of the signs that tell me.

But you know what? These cars can stop anywhere: under the tunnel, under the river, on top of a bridge or what have you. And then what am I going to do? I mean, as a person who uses these infrequently, I am relying the train operator.

And any different station—in New York, each station is different. Some stations have locked stairways now because, you know, either cuts or security problems. They don't keep all the exits open, and it doesn't have a thing that says, "Don't go this way." I mean, if you are running through, depending on what station you are in, you are running through, you don't know where to run, you don't know that the gate is going to be locked, if there is a fire going on.

So you do depend on the transit workers to keep their wits about them, to know what they are doing, to stay there and continue to get everybody out, except in the case of their own personal safety. I can understand that.

But, you know, if they are not—I don't expect them to know that off of a video. We take videos home all the time. We take reports home all the time. And half the time, when we take them, they sit there in the pile; we don't get a chance to read them, for whatever reason. We are supposed to read them for the next morning, and guess what? You are tired when you get home, or you have to make dinner for the husband or what have you, or vice versa or what have you.

[Laughter.]

So I am just saying that, you know, a video?

Mr. LUNGREN. Thank God for microwaves.

[Laughter.]

Ms. SANCHEZ. And takeout.

[Laughter.]

A video isn't the same as putting the time allotted to an employee—not just once, but in the classroom, in situations where you can see he didn't keep telling the people what to do; it took a lot longer to get people out; the stairways were locked where we thought they wouldn't be; or, you know, everybody ran for the elevator, and the elevator didn't work; whatever it is.

I mean, they need to do this, because someone like me, even though I get on the train and I look around and I think about what I am doing, I am still not going to know. And I need to rely on those people.

And what I am hearing is that that just really isn't getting done. And the employees want it. And I am sure the chief wants it. But the money hasn't been dedicated to doing that.

And, you know, the first 15 minutes of a disaster, whatever it may look like, is the time when you save lives or you don't. And that all comes down to who is trained and who is not.

So we have got to figure out how we get this done, Mr. Chairman. If we mandate it, then we have got to figure out—I know the farebox recovery rates. You know, I worked in that for a long time. I know it is tough out there. So we need to figure out how—if this is a priority, how are we going to fund it.

I would ask across the table, do you believe that the federal government should mandate security training for rail and mass transit employees?

Mr. WYTKIND. Would you like me to start?

Obviously, from my testimony, we have been calling for a mandate for some time.

And I also think there needs to be some consideration to the difference between the private freight rail industry and the public transportation industry in this country. I believe resources need to be provided to the metro operators around the country to help pay for security across the board, including training.

But I also think, if you look at what the stock pickers and the Wall Street analysts are saying about the freight railroads, they can afford to train their workers. They have got all the money they need to train the workers in this country who operate and maintain the nation's freight railroads. And that ought to just be a very specific mandate and, "You are going to do it." And then it needs to be overseen by the Department of Homeland Security and this committee, to make sure it is done.

Whereas on the public transportation side, I believe you need to add some resources to it as well, because I do believe there are resource issues in these public transit operators, and they have to be addressed.

Mr. TOLMAN. Absolutely, I agree with my colleague.

I also do like the chief, as well. I like what she said. You know, money, overtime, equals training. I mean, that is what it is about. I just have to get my colleague, Ed Hamberger, to agree with me.

You know, we have been in national negotiations with the railroads for the past year and a half. You know what their number-one issue has been? Reduce crew size from two to one, in the middle of national security. I think, you know, it is about the money.

And you are absolutely right. First responders, we are the first responders. That is why we are concerned. That is why we are doing HAZMAT training. I absolutely agree with you.

Thank you.

Chief HANSON. I believe it should be mandated if it is funded and developed with consultation and involvement of stakeholders, to include union personnel.

Mr. HAMBERGER. Number one, I appreciate Mr. Wytkind's stock picks. I will be sure to call him next time I have a spare dollar to invest.

[Laughter.]

Number two, I will not comment on what is being discussed by those people who are negotiating across the table in the round of labor discussions.

Number three, we did not object to the legislation adopted by the Senate, as I indicated both in my written and oral statement. We believe that we are meeting the requirements put into the Senate bill. We believe that we are meeting the requirements that DHS has asked us to take on, which we have agreed to do on a voluntary basis and for which we pay.

And we are meeting the requirements developed by the Department of Transportation, PHMSA, whatever that officially stands for, and the requirements that that has, the higher requirements for the movement of hazardous material.

Mr. LUNGREN. The gentleman from Washington?

Mr. DICKS. Thank you. Thank you, Mr. Chairman.

Mr. Hamberger, it isn't mandatory, right, at this point, for you—

Mr. HAMBERGER. The PHMSA requirements are mandatory, yes, sir. That is for hazardous material—

Mr. DICKS. Hazardous material, but not regular cargo?

Mr. HAMBERGER. That is correct.

Mr. DICKS. Okay. Now, what would it cost the railroads to train these people?

Mr. HAMBERGER. We are training them, as I indicated.

Mr. DICKS. But you haven't got—I mean, the numbers are still pretty low, aren't they? These don't argue with the argument that only, like, 30 percent or 20 percent of your workers have been trained?

Mr. HAMBERGER. I do take exception to that. That is not what my members indicate. But to set that issue aside, we have adopted this more formal approach, whereby every employee, not just those in the front line but every employee, will receive the training. And there will be a written record that they have received it when they receive it. So we disagreed—

Mr. DICKS. Well—

Mr. HAMBERGER. —on how many have been, but, going forward, it will be 100 percent.

Mr. DICKS. I think what the fellows from the labor unions are saying is that the training, thus far, has been inadequate. They feel that—

Mr. HAMBERGER. That is their view, obviously.

Mr. DICKS. That is their view, that it has been inadequate, that it is not sufficient. And, as I understand it, now that they are going

to make this mandatory, then the question will be, how long will it take you to train all of your people?

And I am interested in the cost. I think it is important for the Congress to understand the cost. And I agree with the chief, that, in my view, the transit people are going to have to have help here. And you can't take the money out of all the capital funds; you won't have any capital projects. I mean, I think we have to provide the training money on top.

Now, the railroads are probably going to have to pick this up, knowing this administration. So what is it going to cost you?

Mr. HAMBERGER. Could I develop that and get back to you?

Mr. DICKS. Yes. I think that is fine. But, I mean, it will cost some money.

Mr. HAMBERGER. It clearly will.

Mr. DICKS. And is that the reason why it hasn't been done up to this point?

Mr. HAMBERGER. Well, I would disagree with the assertion that it hasn't been done up to this point. As I tried to indicate, we have done training. We have adopted this—

Mr. DICKS. But isn't training just the video and the brochure? Do you have any actual facilities where you train people?

Mr. HAMBERGER. Indeed we do. I am embarrassed that I did not bring it to the fore before you asked the question. We indeed have the world's foremost training facility in Pueblo, Colorado, a 56-square-mile training facility, which we operate under contract with the Federal Railroad Administration.

Our hazardous materials emergency response teams are trained there. We train a number of emergency response units from around the country. In fact, many of our customers—Dow and DuPont—send their emergency response teams to Pueblo for training. And we do that—our own employees, obviously, we pay for.

And if I can put a plug in, Senator Salazar did put in the port security bill an amendment making Pueblo eligible as the national defense preparedness curriculum for funding. Under questioning, the Department of Homeland Security admitted that there is a basic flaw in that program, in that there is nowhere to have people train on the ground, hands on, in dealing with exploding railcars and how to deal with emergency response for hazardous materials.

So that is—

Mr. DICKS. Well—

Mr. HAMBERGER. —that is where we train.

And I think the—if I may, sir, the issue is not every employee is an emergency responder.

Mr. DICKS. No, I understand that. That is why we were talking about—

Mr. HAMBERGER. And so, what we are doing is training the emergency responders.

Mr. DICKS. So you are doing the emergency response. But the rest of it, you don't have facilities for, a special place where you are training these people, like the chief does for her people.

Mr. HAMBERGER. It is done as part of the training, the recertification—

Mr. DICKS. Is it done on the clock or off the clock?

Mr. HAMBERGER. I believe it would be on the clock. Yes, it would be on the clock.

Mr. DICKS. So you are paying for it?

Mr. HAMBERGER. Yes, sir.

Mr. DICKS. Okay.

Now, Chief, let's go back to your point here. And I appreciate your candor and your directness in answering the questions.

Am I right? Wouldn't it be better if Congress provided the money for the training without taking it out of your capital funds?

Chief HANSON. Yes, because, in fact, the congresswoman made a comment about time. And the chemical detection systems—we know, because we have one—does save time. And in the sarin gas attack, it was a half an hour, 40 minutes, before they knew what they had. When you have a system like that, it is moments. Then you can shut down trains, stop trains from coming in, do things with your exhaust fans.

So now if you tell people, "You have a couple million dollars, but you have to spend it on training, don't spend it on your capital," people aren't going to be able to do everything. And, in fact, they can't do much of anything now with a couple million dollars, as much as cameras and other things cost.

So if we are going to mandate training, it has to be funded. And there has to be consideration for the fact that, with operational employees, who, most of them are union folks, it doesn't matter, operational or not, they have got to be replaced when they are not there to run the railroad or drive a bus. So who is going to shoulder that cost?

And the bottom line for the Transit Authority is that they can't. They would like to do it, but they can't, because there are other infrastructure needs—keeping the buses running, keeping the trains up-to-date, repairing the railroad—that requires that capital.

So if we are going to mandate it, it has to be funded.

Mr. DICKS. Well, I just want to commend the chairman, again, for holding this hearing. I think the chairman has leaned forward on all these areas. What shocks me is that this is like so many other areas with homeland security, where we are simply not doing as much as needs to be done.

And I think, as this Congress comes to its conclusion, I hope we can keep doing this, Mr. Chairman, because I do think it has a positive effect in getting them, Homeland Security, to realize that they have got to do more to safeguard the American people.

Mr. LUNGREN. Well, I appreciate the gentleman's comments. I just would have to make one comment, however.

We can't gainsay the fact that we have spent, what is it, \$18 billion from the federal government on security overall. We do need to spend more, but I hope we are not coming to the point that money is the only thing.

Obviously you are going to have, in my judgment, requirements that we have to spend more money. But I would hope that we don't take the position that it is just a management/employment issue or that people will not participate in training unless they are absolutely paid or paid overtime or double time or whatever it is. Because, you know, for God's sake, you are talking about their lives too. And I would hope that people would want to be involved in

training programs that train them how to save their lives and the lives of others.

And while money does come into it, I hope we are not going to just put it down to a question of money. Because, God knows, we will never have enough money to do everything we want to do.

And, you know, if the administration is taking a tack, at least to begin the process, of leveraging money they do have to try and get the potential recipients of that money to start thinking about training as a part of that, frankly, that is a good thing.

Yes, we would put more money to it, but if you have a certain amount of money and you go back and you look at it and you say, "Hey, wait a second, we haven't paid enough attention on training. Let's use the money that we do have to leverage it"—not all for training, but, as they ask for capital investment, we want to make sure that they have got a training component—frankly, I think that is a good thing.

It is not the adequate—it is not the total answer. But I would hope that it is a beginning.

Ms. SANCHEZ. Mr. Chairman, may I say something?

Mr. LUNGREN. Yes?

Ms. SANCHEZ. I think you are right. I mean, it is always about resources and trying to put them in the right place and getting the most you can. But I have got to tell you that, again, if I am a rider on the system, I want that employee to know what they are doing, because I am depending on them and my life, to a large extent, may depend on their knowing what they are doing.

And what troubles me is not that this would be a union management thing. What troubles me is that these union representatives are telling me, basically, that their employees are not confident—

Mr. LUNGREN. Oh, I heard that, loud and clear. And we had better answer that.

Ms. SANCHEZ. —that they will do the job that is required of them and that they want to do to save my life.

Mr. LUNGREN. Absolutely.

Ms. SANCHEZ. And I want that employee to be confident that he knows or she knows what they are doing if I am in an emergency and I am depending on them.

Mr. LUNGREN. I agree. That is why I am heartened by the fact Mr. Sammon said they are going to start sending people out to the field to actually certify or to do evaluations to see whether Mr. Hamberger's folks are doing what they say they are doing.

Again, not a total answer, but at least moving in the right direction.

And I know Mr. Dicks has—

Mr. DICKS. It has been 5 years, Mr. Chairman.

Mr. LUNGREN. —Mr. Dicks has suggested that they do it on the eve of the hearing—

Mr. DICKS. It has been 5 long years. And these gentlemen have followed this very closely, and they see that the administration continues to analyze and think but they don't get out and do anything. And I hope the pressure of this hearing, I hope at least they will start doing something at long last.

Mr. LUNGREN. Well, we will continue having hearings.

And I want to thank the panel. You have been very helpful to our consideration of this matter.

As we mentioned, members of the committee may have some additional questions for you. And if they do, we would ask you to respond to those in writing. The hearing record will be held open for 10 days.

And, without objection, the committee stands adjourned.
[Whereupon, at 12:06 p.m., the subcommittee was adjourned.]

