An Overview of the Transportation Security Administration’s Surface Transportation Security Inspection Program

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Introduction

• Background
• Mission
• Activities
  o Passenger rail
  o Freight rail
• Notice of Proposed Rulemaking
• Coordination
Background

• FY 2005 DHS Appropriations Act
  o Mandated deployment of 100 inspectors
  o Madrid bombings
• Inspectors in 20 offices nationwide including two newest offices - Salt Lake City and Pittsburgh
• 12 regional supervisors (AFSD-Surface)
• New offices considered for cities, such as Miami & Dallas
• Policy-level coordination at HQ TSA
• Local coordination with AFSD-Surface
Background

ASFD/DAFSD – Surface Experience

- **Boston/New England** – Former MBTA Police Captain
- **NY/NJ/SW CT Metropolitan Area (2)** – Former NYPD Transit Division and LIRR
- **Phil/So. NJ** – Former Amtrak Police Detective
- **Mid-Atlantic** – Former WMATA Police Captain
- **Southeast** – Former CSX, FRA and TSA
- **Cleveland/North Central** – Former CSX Police
- **Midwest** – Former Chicago PD Transit Division
- **South Central** – Former B&M/Guilford Rail and Army Transportation Officer
- **Southwest** – TSA and Former Navy
- **SF/Central CA** – former UP and CA PUC
- **Northwest** – Former FRA
Mission

• Develop and foster collaborative working relationship with the rail industry
  o Freight rail
  o Passenger rail

• Begin working with other surface modes as resources allow
  o Bus
  o Pipeline
  o Trucking
Mission

• Work closely with applicable Local, State, and Federal entities to:
  o Share information
  o Identify industry-wide security baseline and best practices
  o Evaluate security system performance
  o Discover and assist in mitigating gaps and vulnerabilities in the industry’s security systems
Mission

• Engage the rail industry in developing, evaluating, and ensuring implementation of:
  o Necessary security measures
  o Innovative approaches to protecting our transportation systems
  o A positive relationship with industry to foster industry-wide security enhancements
  o A consistent understanding of and compliance with security requirements
Visible Intermodal Protection and Response (VIPR)

- Visible TSA presence at random times at transit and passenger rail facilities
- Foster uncertainty on the part of potential terrorists
- Enhance public confidence in security measures
- Further partnering with local transit systems and passenger/commuter railroads
- Enhances preparedness and working framework among the entities involved
- Sharing of lessons learned on the National level furthers the development of the operational concept
Security Evaluations/Assessments

- Security Analysis and Action Program (SAAP)

- Physical security inventory and assessments of rail stations (and other infrastructure)

- Baseline Assessment for Security Enhancement (BASE) Surveys
Emergency Deployment

- Hurricane Katrina/Rita response
- Hurricane and other disaster preparedness planning
- Derailment and incident response
- NSSE deployments
- Increase in HSAS threat level
Baseline Assessment for Security Enhancement (BASE) Surveys

- Voluntary assessments of transit systems’ security
- Built on Federal Transit Administration’s *Public Transportation System Security and Emergency Preparedness Guide*
  - Top 17 Security Action Recommendations for Transit Systems
- TSA’s Security Directives for rail-based passenger systems
- Develop and industry baseline for benchmarking and improving security procedures and practices
Baseline Assessment for Security Enhancement (BASE) Surveys (Cont.)

- Support security requirements in 49 CFR 659
- BASE evaluates PROGRAM components through
  - Review of security and emergency response documents
  - Interviews of personnel for process insight
  - System observations prompted by BASE checklist line items
Security Action Item (SAI) Assessments

- Assessments of freight rail carriers’ implementation of 27 DHS/DOT voluntary Security Action Items
- Developed through a cooperative effort of DHS/TSA and the railroads.
- Toxic Inhalation Hazards (TIH) – High Threat Urban Areas
Security Action Item (SAI) Assessments

• **PURPOSE:** To assess freight railroads’ implementation of recommended Security Action Items (SAI) in TIH transport
• Phase I/II completed in late 2006
• Focused on 7 Security Action Items
• Cooperative effort between TSA and freight railroads
Security Action Item Assessments

• Phase I/II SAI focus
  o Employee security awareness
  o Reporting suspicious activity
  o Control of sensitive information
  o Employee identification
  o Systems to locate TIH cars
  o Security focused inspection of TIH cars
  o Placement of TIH cars in yards
Security Action Item Assessments – Phase I/II

- Vital Statistics
  - No. of Class 1 facilities surveyed: 123
  - No. of Short Line and Terminal facilities surveyed: 28
  - Total No. of railroad facilities surveyed: 151
  - Employee interviews conducted: 2,613
  - Number of High Threat Urban Areas surveyed: 41
Security Action Item Assessments – Phase I/II

Number of Surveys per Carrier

- BNSF, 16
- UP, 44
- CSX, 30
- NS, 20
- CP, 3
- CN, 4
- KCS, 3
2,819 Railroad Employees Surveyed (Employment Classification)

Management, 651, 25%

Labor, 1,968, 75%
Security Action Item Assessments – Phase III

- Remaining Security Action Items
- Focus on management and security plans
- Phase III completed in early 2007
Security Action Item Assessments – Phase IV

- Baseline for dwell time of TIH rail cars in HTUAs
- Determines attended vs. unattended rail cars in yards
- Records review of car movement data
- Physically locate the rail cars containing TIH
Security Action Item Assessments – Phase IV

- Comply with Secretary Chertoff’s initiative to reduce TIH in HTUAs
  - 25% by end of CY07
  - 50% by end of CY08
- Initial focus is on railroads and then on to shippers and receivers
- Impact on adjacent land use
Notice of Proposed Rulemaking (NPRM)
NPRM (49 CFR 1520 and 1580)
Rail Transportation Security Act

- Published in Federal Registered December 15, 2006
- Published in tandem with PHMSA NPRM
- Covers all freight and passenger railroad carriers, and rail transit systems
- Covers certain facilities that ship and receive/unload TIH High Treat Urban Areas (HTUAs)
- Clarifies TSA inspection authority
Notice of Proposed Rulemaking (NPRM)

• If published as written, the rule would also require:
  o All railroads to designate a Security Coordinator
  o Location and shipping information for TIH rail cars
  o Incidents/suspicious activity reporting to TSA
  o Chain of custody and control requirements
  o Physical inspection of rail car before handoff to rail carrier
Notice of Proposed Rulemaking (NPRM)

Five of the most commonly transported TIH materials

- Anhydrous Ammonia
- Chlorine
- Ethylene Oxide
- Anhydrous Hydrogen Fluoride
- Sulfur Dioxide

Note - 80% of TIH Shipments are Anhydrous Ammonia and Chlorine
## Notice of Proposed Rulemaking (NPRM)

<table>
<thead>
<tr>
<th>Proposed security measure and rule section</th>
<th>Freight railroad carriers NOT transporting specified hazardous materials</th>
<th>Freight railroad carriers transporting specified hazardous materials</th>
<th>Rail operations at certain facilities that ship (i.e., offer, prepare, or load for transportation) hazardous materials</th>
<th>Rail operations at certain facilities that receive or unload hazardous materials within HTUA</th>
<th>Passenger railroad carriers and rail transit systems</th>
<th>Certain other rail operations (private, business/office, circus, tourist, historic, excursion)</th>
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<tbody>
<tr>
<td>Allow TSA to inspect</td>
<td>X</td>
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<td>Appoint rail security coordinator</td>
<td>X</td>
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<td>Only if notified in writing that security threat exists</td>
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<td>Report significant security concerns</td>
<td>X</td>
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<tr>
<td>Provide location and shipping information for rail cars containing specified hazardous materials if requested</td>
<td>X</td>
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<tr>
<td>Chain of custody and control requirements for transport of specified hazardous materials that are or may be in HTUA</td>
<td>X</td>
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Notice of Proposed Rulemaking (NPRM)

- Comment period closed February 20, 2007
- View the NPRM at www.regulations.gov
  - Agency search
    - Transportation Security Administration
- Finalizing the regulation. Targeted promulgation by the end of this fiscal year
9/11 Bill Highlights
H.R.1, Implementing recommendations of the 9/11 Commission Act of 2007

- **Section 1302** – Enforcement authority for TSA Surface Transportation Inspectors
- **Section 1303** – Visible Intermodal Prevention and Response (VIPR) Teams
- **Section 1304** – Surface Transportation Security Inspectors (STSI)
  - Mission of STSIs
  - Authority
  - Requirements
  - Inspectors and Civil Penalties
  - STSI Staffing – 100 in FY 2007 (current - $11.4M), 150 in FY 2008 ($17.1M), 175 in FY 2009 ($19.95M) and 200 in FYs 2010 and 2010 ($22.8M each year)
Questions?