Transportation Security Administration

TSA Rail Security NPRM

February 22, 2007

Summary

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- High Threat Urban Areas
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- Applicability
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Security Sensitive Hazardous Materials

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- **Poisonous Inhalation Hazard (PIH) or (TIH)**
  - Approximately 110,000 shipments of PIH by rail each year
    - Chlorine and Anhydrous Ammonia represent 78% of the PIH bulk rail shipments each year
  - Represent the vast majority of security sensitive materials
  - Threat is from a massive uncontrolled release of toxic gas that would affect large numbers of people
- **Explosives (Class 1.1, 1.2, and 1.3)**
  - Relatively low number of shipments by rail
  - Potential to be used as weapon of mass destruction and the potential for theft and use in future attacks
- **Radioactive Materials (HRCQ)**
  - When coupled with explosives present a contamination (dirty bomb) risk

High Threat Urban Areas

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- Geographic areas that warrant special consideration
  - City limit and a 10-mile buffer zone
- HTUA list is derived from the DHS Urban Area Security Initiative (USAI) program
  - Risk-based selection
    - Populations > 100,000 or reported threat
    - Risk assessment data
      - *Threat*: likelihood that an attack would be attempted
      - *Vulnerability*: likelihood that attacker would succeed
      - *Consequence*: impact of an attack occurring
- Current HTUA and USAI lists identify 46 areas

TSA NPRM Applicability

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- Freight railroad carriers
- Intercity, commuter, and short-haul passenger train service
- Rail mass transit systems
- Rail operations at certain fixed-site facilities that ship or receive specified quantities of PIH, explosives, or radioactive materials

Reason for Regulation

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Security risk is a function of Threat, Vulnerability, and Consequence

- **TSA's Statutory Authority (ATSA 49 U.S.C. § 114(f))**
  - TSA has the primary federal role in enhancing security for all modes of transportation.
  - TSA has broad responsibility and authority for "security in all modes of transportation . . . Ensure the adequacy of security measures for the transportation of cargo." See 49 U.S.C. 114(f)(10).
- Asymmetrical **Threat** (unpredictability)
  - Raised National Threat
  - Likelihood of high **consequence** (loss of life, injury) makes freight rail a desirable target
  - Freight rail conveyances and infrastructures are mostly open and unprotected
- Car interchanges and unattended cars in HTUAs present **vulnerabilities**
- Breach of a PIH tank car in proximity to high density populations can create a high **consequence** event
  - Use of tank car as weapon of mass effect (Attach IED and detonate in a HTUA)

Proposed Requirements
Chain of Custody

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Shippers at any location

- Must physically inspect the rail car prior to loading
- Must keep the car in a secure area with physical security measures prior to railroad carrier taking physical custody of the car

Carriers and Receivers Within an HTUA

- Positive and secure change of physical custody when transferring between carriers and between carriers and rail hazardous materials shipper and receiver facilities (inspect (DOT) and document)
- Rail hazardous materials receiver must keep the car in a secure area until it is unloaded

Carriers and Receivers Outside an HTUA

- Carrier to carrier transfer of rail cars that may subsequently enter an HTUA must adopt procedures to ensure that the rail car is not left unattended at any time during the physical transfer of custody (inspect (DOT) and document)
- No requirements for rail hazardous materials receivers

Rail hazardous materials receivers within HTUAs in low risk locations

- Receivers can request waiver if they believe that the geographic location and potential security threat to their facility does not warrant application of the chain of custody requirements

Proposed Requirements

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Freight Railroad Carriers and Fixed Site Facilities

- Car location reporting –Upon request, carriers must report location of car within one hour. TSA seeks comment on single car in 5 min. and all cars in 30 minutes.
  - Data for this reporting already exists with industry, TSA intends to contract with a third party data provider to establish a secure web site to produce location reports.

All Railroad Carriers and Mass Transit Rail

- Inspection authority for freight and passenger railroad carriers, rail transit systems, and certain facilities that ship or receive specified hazardous materials by rail
- Designation of Rail Security Coordinators to serve as primary contact for receipt of intelligence information
- Reporting of significant security concerns, potential threats, and incidents

TSA NPRM Summary

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- TSA NPRM on rail transportation security
  - Raises security baseline of PIH, explosives, and radioactive materials in the rail supply chain
  - Supports security goals in passenger and freight rail, rail mass transit, and certain fixed-site facilities that ship or receive specified hazardous materials by rail
- Comment Period closed Feb 20, 2007.

Economic Impact

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- 708 Railroads Affected
  - 556 Freight Railroads; 152 Commuter & Transit Systems
  - Approximately 50 railroads handle identified hazardous materials
- 241 Hazmat Facilities
  - 159 Facilities in High Threat Urban Areas
- 10 year Primary Cost Estimate for NPRM: $164.7 Million, discounted 7%
  - Annualized Cost: $23.4 Million
  - Chain of Custody Cost: $106.9 Million
  - Cost of Inspections: $24.7 Million
  - Cost of Incident Reporting: $32.7 Million

Rail Supply Chain

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