

High Alert₂



**Four Years Later Workers Continue to Warn
of Security Gaps on Nation's Railroads**



high alert 2

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EXECUTIVE SUMMARY

In Fall 2005, the Teamsters released the results of the first known worker-generated study of day-to-day security measures in place on U.S. rails. That first Safe Rails / Secure America survey, which included 4,034 completed surveys from front-line rail workers, provided a chilling glimpse of the vulnerability of the nation's rail network to terrorism.

Now, four years later, a new survey of America's rail workers reveals that top U.S. rail carriers have failed to close the security gaps that put at stake the safety of rail workers and communities across the country.

Members of the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Brotherhood of Maintenance of Way Employees Division (BMWED)—the men and women who work on the nation's Class I railroads, including Burlington Northern Santa Fe Corporation, CSX Corporation, Kansas City Southern, Norfolk Southern Corporation, and Union Pacific Corporation—completed 7,280 surveys in Safe Rails / Secure America 2, evaluating safety and security measures in place on any one workday during the survey period.

The survey questions asked of the front-line rail workers were identical to those asked in the first Safe Rails / Secure America survey (with the exception of two new survey questions) and the workers' answers are startlingly similar to those given four years ago.

Despite efforts by the rail industry to improve the security of its operations, workers continue to report:

- *A frightening lack of security along the railroad tracks and in rail yards, despite news reports highlighting open, easy access to rail yards and rail equipment;*
- *Skeleton crews and remote control technology replacing an experienced team of engineers and trainmen, the "eyes and ears" in the event of a crisis—even when freight trains are carrying hazardous material;*

- *Minimal, inadequate security training for employees who would potentially be on the front line of any terrorist attack on the rails involving hazardous materials; and*
- *A disturbing lack of progress by rail corporations in improving security along the rails at points of vulnerability, including locomotives, tracks, bridges and tunnels.*

"it is only a matter of time before terrorist[s] become aware of how easily accessible the RR [railroad] is, and the level of damage that can be done with very little effort."

*—Union Pacific employee,
Washington*

While the rail carriers appear to have made progress in some key areas, the overall results of the Safe Rails / Secure America 2 survey reveal that such improvement still falls far short of a viable, industry-wide rail security program that protects rail employees and U.S. residents who live near rail yards and lines.

Throughout the report, names of cities, landmarks, facilities, and other such identifiers have been excluded to prevent the report from compromising the security of any specific locations or facilities.

High Alert Part 2: Four Years Later Workers Continue to Warn of Security Gaps On Nation's Railroads, like its predecessor report, examines the rail security vulnerabilities reported by front-line rail workers across the country and recommends basic, common-sense requirements and more complex procedures to help ensure that the employees who work on the nation's railroads and the residents who live near them are indeed safe and secure.





INTRODUCTION

In a period of heightened national security in which the Federal Bureau of Investigation (FBI) has warned that our nation's rail network is a likely target of al Qaeda, consider the troubling picture painted by workers of America's railroads:

On any given day, freight trains laden with cargo—sometimes with hazardous or toxic chemicals—sit along the nation's rail lines, unmanned and idling. Trespassers wander unencumbered through U.S. rail yards or along the right of way where locomotives, their cargo, and other critical pieces of equipment are free for the taking. Rarely, the workers report, are rail police visible.

virtually the same chilling snapshot of our rail system's vulnerability.

"If you were to take a ride along the lines anywhere on any system, you would see 'unsecure equipment,' unsecure yards, unsecure buildings and no security forces," said a Union Pacific railroad worker in Texas. Another Union Pacific worker in Washington noted, "it is only a matter of time before terrorist[s] become aware of how easily accessible the RR [railroad] is, and the level of damage that can be done with very little effort."

With some 1.7 million carloads of hazardous materials traveling our nation's railroads each year—including

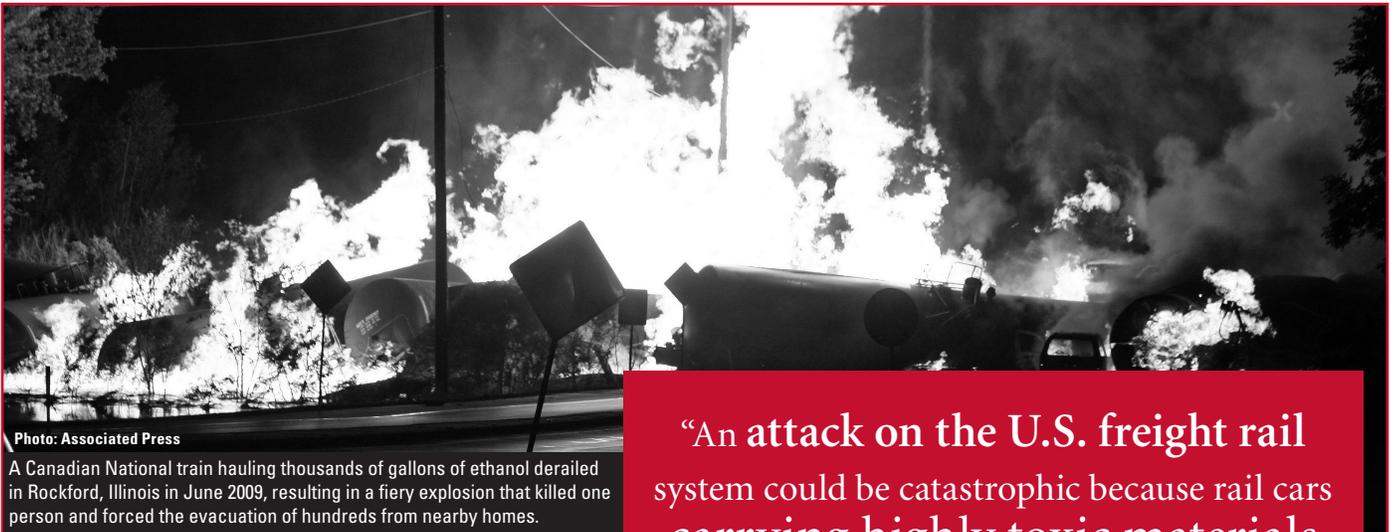


Photo: Associated Press

A Canadian National train hauling thousands of gallons of ethanol derailed in Rockford, Illinois in June 2009, resulting in a fiery explosion that killed one person and forced the evacuation of hundreds from nearby homes.

"An attack on the U.S. freight rail system could be catastrophic because rail cars carrying highly toxic materials often traverse densely populated urban areas."

*—Government Accountability Office,
April 2009*

Engineers usually have no FRA-certified backup on board to assist or relieve them in an emergency, or in the worst possible case, a hijacking. Those same engineers report that there is no distress code or signal on board—other than the railroad radio—to alert authorities of a crisis, even as they pass through communities or work in rail yards close to schools, government buildings and densely populated areas.

Sound familiar? It should—it is the same story told by America's railroad workers four years ago.

In a Teamsters Rail Conference survey completed between July 17, 2004, and June 3, 2005—the results of which were published in *High Alert: Workers Warn of Security Gaps on Nation's Railroads*—our nation's rail workers gave us a disturbing glimpse of a U.S. rail system one step shy of disaster.¹

Now a new follow-up worker survey completed between August 25, 2008, and April 6, 2009, offers

toxic materials that the Transportation Security Administration (TSA) has said could potentially be used as weapons of mass effect—the workers' familiar refrains that "security is a joke" and that it is "business as usual" since 9/11 are startling.²

"Many of us have talked about how easy it would be for a terrorist to cause great harm to a large amount of people or a key bridge or refinery," reported a Union Pacific worker from Minnesota. "In my opinion it's not if this will happen, it's when. The more you know about this security issue the more worried you will be. I don't even like to tell you guys how open of a target we are for fear the word might get out and we will get hit." Eight



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years after the tragedy of 9/11, and in the wake of train bombings in London and Madrid, the eyes and ears of the U.S. rail system—its front-line workers—continue to warn of major security gaps despite the rail industry's ongoing security efforts. These warnings call into question exactly how much the rail companies are doing to secure their operations and how effective their efforts are.

Accountability in Question

While federal agencies have guided the railroad industry's security efforts, it has ultimately been the railroads themselves that have been responsible for implementing voluntary actions to secure their operations—and the safety of the American public—from risks arising from a breach of security on the rails.

The most significant rail industry security action has been the development of an industry-wide security management plan, according to an April 2009 U.S. Government Accountability Office (GAO) report entitled *Freight Rail Security: Actions Have Been Taken to Enhance Security, but the Federal Strategy Can Be Strengthened and Security Efforts Better Monitored* (“Freight Rail Security”).³ Developed in 2001 by the Association of American Railroads (AAR) in coordination with member railroads and several chemical industry associations, the four-level risk-based action plan dictates more than 100 security countermeasures to be activated at progressively higher alert levels.⁴

Since 9/11, the industry has also expanded security patrols, security training, electronic surveillance, access controls and operates a 24/7 Operations Center, according to the AAR.⁵ AAR further states that industry officials are in constant communication with the intelligence and security community to monitor the level of threat to railroads and alert the industry if the level changes.⁶

While these and other voluntary efforts launched by the rail industry in the battle against terrorism are to be commended, their full implementation and effectiveness are in question.

For one thing, the story told by AAR does not quite match the reports from front-line rail workers. For example, when asked if they had received any training related to terrorism prevention and response in the last 12 months, 72 percent of all workers surveyed said no, and only seven percent of locomotive engineers and trainmen surveyed reported that there was a visible police presence in the yard that day. Of electronic surveillance, one Union

“TSA has **not established** a formal process for agency program officials or inspectors to **follow up on** and track prior agency recommendations to determine if rail carriers had implemented them.”

–Government Accountability Office,
April 2009

Pacific worker noted, “The only cameras I see are trained on the R.R. [railroad] employees, not access to the yards, hlds. [holdings], parking lots or other areas.”

Federal oversight of the industry's actions has been lacking. According to the April 2009 GAO *Freight Rail Security* report, the Transportation Security Administration (TSA)—the federal entity primarily responsible for securing freight rail—has not fully tracked the scope of actions being taken by the railroads or assessed their effectiveness at reducing risks.⁷ The GAO report found that “while the freight rail industry has taken actions to better secure shipments and key infrastructure, TSA has limited ability to assess the impacts of these actions because it lacks a mechanism to systematically track them and evaluate their effectiveness.” According to the report, “TSA has not established a formal process for agency program officials or inspectors to follow up on and track prior agency recommendations to determine if rail carriers had implemented them.”⁸

While new TSA, Federal Railroad Administration, and Pipeline and Hazardous Materials Safety Administration regulations and the Implementing Recommendations of the 9/11 Commission Act of 2007 set forth mandatory requirements regarding the security and safety of hazardous materials rail transport, the individual railroads themselves still ultimately bear responsibility for implementing and adhering to protective security measures.⁹ The fact that 85 percent of TSA's budget goes towards aviation security only increases the pressure on the rail industry to ensure the security of operations.¹⁰

Reports from America's railroad workers can be a crucial indicator of the railroads' security efforts and level of preparedness. Of course, these workers are not privy to sufficient information to enable them to fully evaluate



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the railroads' counter-terrorism efforts, as many of the companies' efforts are presumably high level programs and strategies known only by management.

Nevertheless, the men and women who work on the railroads and spend their days on the front lines of the rail system are intimately familiar with the system's day-to-day operations and are situated to recognize, as few others can, the vital components of an effective security plan. These are the individuals who will likely be first on the scene of any derailment, accident or attack involving a hazardous materials shipment. These are the workers who should be receiving security training to learn their role in the security plan, and who should be made aware of whether there is a heightened terrorist alert.

The railroad workers have a perspective that can inform the carriers, government regulators, cities, states and emergency responders about ongoing vulnerabilities and the urgent need for additional safeguards.



Photo: Associated Press

A deadly January 2005 crash in Granitville, South Carolina helped focus public attention on serious rail safety and security issues, including the transportation of hazardous materials.

Warning Signs

The original Teamsters Rail Conference Safe Rails / Secure America survey of rail workers on our nation's Class I railroads, completed between July 17, 2004, and June 3, 2005, provided the first known worker-generated study of day-to-day security measures in place on U.S. rails. The workers' experience—detailed in the 2005 report *High Alert: Workers Warn of Security Gaps on Nation's Railroads*—revealed that rail carriers had done little in the face of clear and present danger.¹¹

Members of the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Brotherhood of Maintenance of Way Employees Division (BMWED)

completed 4,034 surveys, which asked the workers to evaluate safety and security measures in place on any one workday during the 2004-2005 survey period.

The survey group was divided according to craft. The BLET is comprised of locomotive engineers and trainmen. The BMWED is made up of track workers, bridge and building employees and electric traction workers. While both groups answered five common questions, each group also responded to queries specific to their respective crafts.

The workers' responses revealed a disturbing lack of security along the railroad tracks and in rail yards across the country; a growing dependence on remote control technology to replace experienced engineers in the locomotive cab—even when freight trains are carrying hazardous materials; minimal security training for employees; and a failure by rail companies to improve security along the rails at points of vulnerability, including locomotives, tracks, bridges and tunnels.

Safe Rails / Secure America Survey—Take Two

In 2008 the Teamsters Rail Conference undertook a second rail worker survey—Safe Rails / Secure America 2—to learn from the eyes and ears of our nation's rail system whether the industry has made gains in securing its operations.

As with the first worker survey, Safe Rails / Secure America 2 was divided according to craft, with the BLET and BMWED members answering five common questions as well as queries specific to their respective crafts.

The survey questions, which asked the workers to evaluate safety and security measures in place on any one workday during the survey period, were identical to the survey questions used in the first Safe Rails / Secure America survey, with the exception of two new survey questions.

Safe Rails / Secure America 2 included two rounds of surveys. Workers employed by Burlington Northern Santa Fe Corporation (“BNSF”) and Norfolk Southern Corporation (“Norfolk Southern”) completed surveys between August 25, 2008, and September 19, 2008. Workers employed by CSX Corporation (“CSX”), Kansas City Southern, and Union Pacific Corporation (“Union Pacific”) completed surveys between March 9, 2009, and April 6, 2009.

Workers completed a total of 7,280 surveys in Safe Rails / Secure America 2—an 80 percent increase in



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completed responses since the original survey. Burlington Northern Santa Fe workers comprised 27 percent of all responses, Norfolk Southern workers comprised 20 percent of all responses, Union Pacific workers comprised 32 percent of all responses, CSX workers comprised 20 percent of all responses, and Kansas City Southern comprised one percent of all responses.

The overall results of Safe Rails / Secure America 2 suggest that workers do not believe that the rail companies have significantly improved the security of their operations. Workers continue to report an unacceptable level of vulnerability in rail yards and along railroad tracks across the country—even across survey areas that show improvement.

In short, the workers' responses mirror those detailed in the first *High Alert* report:

- A frightening lack of security along the railroad tracks and in rail yards, despite news reports highlighting open, easy access to rail yards and rail equipment;
- Skeleton crews and remote control technology replacing an experienced team of engineers and trainmen, the “eyes and ears” in the event of a crisis—even when freight trains are carrying hazardous material;
- Minimal, inadequate security training for employees who would potentially be on the front line of any terrorist attack on the rails involving hazardous materials; and
- A disturbing lack of progress by rail corporations in improving security along the rails at points of vulnerability, including locomotives, tracks, bridges and tunnels.

Unlike the first Safe Rails / Secure America survey, which tabulated results only for the industry as a whole, Safe Rails / Secure America 2 results have been tabulated for the industry and for each individual carrier, allowing a closer look at each railroad company's strengths and weaknesses based on the workers' responses.

None of the carriers emerges as a strong leader across the board regarding rail security efforts. Each company both outperforms and underperforms its peers in different areas, without many extreme variations from the industry norm.

Further, as a result of the Teamsters' shareholder engagement, Burlington Northern Santa Fe, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific are now making substantive disclosures regarding their efforts

to safeguard the security of their operations arising from a potential terrorist attack. These disclosures allow a new measure of accountability, revealing to what extent the companies' security efforts resonate with their workforce.

There often appears to be a gap between what the companies say they are doing and what the workers report from their experience.



An investigative report by Channel 3/KCRA-TV Sacramento, California, on rail security found that freight trains hauling explosives, flammable solids, and poisons pass through American neighborhoods everyday.

Backdrop for Crisis Continues

The first *High Alert* report was released just three months after the July 2005 London commuter train bombings, which exposed the vulnerability of rail transport and raised grave concerns regarding the security of the U.S. rail system—both a means of public transport and the backbone of American commerce.

Four years later, the threat of a potential terrorist attack on U.S. rails still looms large, and the backdrop for crisis detailed in *High Alert* continues.

Rep. Bennie G. Thompson (D-MS), Chairman of the Committee on Homeland Security, recently reaffirmed the critical importance of securing the railroads on April 22, 2009, after the GAO released a report issued at his request entitled *Transportation Security—Comprehensive Risk Assessments and Stronger Internal Controls Needed to Help Inform TSA Resource Allocation*. In a statement on how TSA's risk assessments are lacking, Thompson said: “With 85 percent of TSA's budget going towards aviation security, it is important to know whether enough is being done to defend our nation's other vital modes of transportation. This report reaffirms my belief that more must be done to properly secure modes of transit other than aviation. Recent terrorist attacks in Mumbai, London,



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“If Congress has allocated funds to the nation’s R.R.s [railroads] to use **against terrorist[s] or for training or for additional R.R. [railroad] police, I cannot see any difference other than a 20 min. film we watch once every 2 years.”**

*—Union Pacific employee,
Texas*

and Madrid demonstrate that these modes of transportation are significant targets and TSA must have a systematic, risk-informed approach to securing them.”¹²

The April 2009 *GAO Freight Rail Security* report could not be clearer about the level of risk involved: “An attack on the U.S. freight rail system could be catastrophic because rail cars carrying highly toxic materials often traverse densely populated urban areas.”¹³

Indeed, eight years after 9/11, five years after the Madrid train bombings, and four years after the London train bombings, the potential for catastrophe continues and the need for fundamental reform becomes more critical.

The fact is that some 1.7 million carloads of hazardous materials are transported across our nation’s rail system each year, and approximately 100,000 of these carloads contain materials that present a “Toxic Inhalation Hazard” (TIH)—gases or liquids, such as chlorine and anhydrous ammonia, that, according to AAR, have the potential to cause extensive death, injury and property damage miles away from the accident site.¹⁴

A 2005 train accident in Graniteville, South Carolina offers a haunting reminder of the devastation wrought when TIH materials are released into the atmosphere. When a freight train collided with a train on a rail spur leading to the Avondale Mills textile manufacturing facility, over 9,000 gallons of chlorine poured into the atmosphere, creating a toxic cloud that killed nine people. More than 5,400 people were evacuated from their homes, more than 550 people sustained injuries, and the full extent of the environmental damage is still unknown.¹⁵

The Graniteville accident occurred in a relatively rural area during the early morning hours: under different conditions, the magnitude of such a catastrophe could swell to breath-taking proportions. In a July 10, 2008,

written testimony for the Surface Transportation Board regarding the transportation of hazardous materials, AAR cited a Risk Management Solutions study, entitled *Catastrophe, Injury & Insurance: The Impact of Catastrophes on Workers Compensation, Life and Health Insurance* (2004), that concluded that a rush hour rail accident in Chicago involving a chlorine release from a single car could result in 10,000 fatalities, 32,600 other casualties and more than \$7 billion in claims.¹⁶

It is no surprise then that the Department of Transportation has noted that “the same characteristics of hazardous materials that cause concern in the event of an accidental release also make them attractive targets for terrorism or sabotage.”¹⁷ Similarly, TSA has said that TIH materials “present a significant rail transportation security risk and an attractive target for terrorists because of the potential for them to use these materials as weapons of mass effect.”¹⁸

The FBI’s chilling warning in 2002 about potential terrorist attacks on American railroads made clear that al Qaeda could be targeting trains carrying hazardous materials. The Bureau had captured al Qaeda photographs of railroad engines, cars and crossings, and officials said that terrorists could choose a number of strategies, “such as destroying key rail bridges and sections of track to cause derailments or targeting hazardous material containers.”¹⁹

Yet, some seven years later, workers still say that security is more a buzzword used by management than an evolving set of procedures and practices designed to secure operations:

- “If CSX has done anything except talk about rail security since 9/11, it’s news to me.”
—CSX employee, Virginia
- “UPRR [Union Pacific] talks a good talk, but doesn’t walk the walk.”
—Union Pacific employee, Iowa
- “If Congress has allocated funds to the nation’s R.R.s [railroads] to use against terrorist[s] or for training or for additional R.R. [railroad] police, I cannot see any difference other than a 20 min. film we watch once every 2 years.”
—Union Pacific employee, Texas

Time and again news reports of dangerous incidents—some of which were near-disasters—involving stolen locomotives and rail track sabotage demonstrate with frightening clarity how vulnerable our railways are.



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Take, for example, a recent incident in Minot, North Dakota in May 2009 in which someone broke into two Canadian Pacific Railway locomotives and moved them onto a main rail line into the eventual path of an eastbound freight train carrying hazardous materials, including anhydrous ammonia. According to *The Minot Daily News*, local police said the engineer of the eastbound train spotted the locomotives just in time to activate the emergency brake and bring the train to a halt with only 100 feet to spare. Had the engineer not spotted the locomotives, the crime could have resulted in a major derailment and the release of large amounts of hazardous materials.²⁰

Sgt. Dave Goodman of the Minot Police Department, the investigator assigned to the case, was not ready to state that “Joe Blow off the street” could not have moved the locomotives, according to *The Minot Daily News*. He told the paper that “It shouldn’t be (possible),” but—after being taken aboard a locomotive and shown the basics of how it operates—Goodman said, “I would guess I could probably do it now.”²¹

Another train heist in Kendall, Florida in March 2009 shows just how easy it is to access and take control of trains. A 22-year old mechanic who did not work for the railroads climbed aboard a CSX locomotive, broke the locks securing the switches, and then took the locomotive for a joy ride, meeting up with a friend at a nearby bar located close to the railroad tracks. According to *The Miami Herald*, the locomotive passed through several railroad crossings but did not engage the crossing signals that are triggered by the train’s operator. “Fortunately, no cars or pedestrians were flattened,” noted the reporter.²²

How did the 22-year old know how to operate the locomotive? He played with a train simulator computer game when he was a child.²³

Yet another example—in September 2007 *The New York Times* reported that the FBI was looking into the possible sabotage of commuter train tracks on the South Side of Chicago after a dozen railroad spikes binding the rails to wooden ties underneath were reported missing. A spokesman for the Federal Railroad Administration reportedly said that “If a sufficient number of spikes are removed in a contained location, there’s the potential for the rail to shift, which would lead to disastrous results and train derailment.”²⁴

According to the article, the incident underscored just how easy it would be to sabotage train tracks. David Heyman, director of the homeland security program at the Center for Strategic and International Studies, reportedly said that “thousands of miles of tracks are not fenced,

and they’re not watched,” adding that “in the last 10 years there have been 200 incidents of terrorist attacks on train and rail.” A passenger remarked, “All you have to do is know the train schedule. . .you would always know how long you have to do a job,” reported the paper.²⁵

A comment from a Union Pacific worker in Arizona—“With just a little bit of knowledge or inside help, a disaster could easily be accomplished”—rings dangerously true.

Reports from the Front Line

The most recent reports from the front line indicate that our nation’s rail carriers still have far to go in closing the rail security gaps that threaten the flow of commerce and, most importantly, the American public’s safety.

Like the first Safe Rails / Secure America survey, Safe Rails / Secure America 2 is not intended to provide a scientific analysis. Rather, the results of the 7,280 worker surveys is meant to provide a glimpse into the day-to-day experience and perspective of the men and women who work on the U.S. rail system and know first-hand the rail operations whose security is at stake.

Names of cities, landmarks, facilities, and other such identifiers have been excluded to prevent the report from compromising the security of any specific locations or facilities.

Key Findings

SKELETON CREWS AND WORKER FATIGUE

BLET

Q: *Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?*

A: Yes, 26 percent

No, 74 percent

Q: *How many hours did you work today?*

(Include time on train waiting to be relieved.)

A: less than 8 hours—17 percent

8-12 hours—68 percent

12+ hours—15 percent

BMWED

Q: *Did you work by yourself today (i.e. as a “Lone Worker”)?*

A: Yes, 20 percent

No, 80 percent



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Q: *How many hours did you work today?*

- A: less than 8 hours—4 percent
 8-12 hours—88 percent
 12+ hours—8 percent

The railroads make crystal clear that they depend on the men and women who work on the rails to play a vital role in securing the railroads' operations. AAR states on its website that one of the main actions the railroads have taken since 9/11 has been to increase employee security awareness and training "to ensure that over 200,000 railroad employees became the eyes and ears of the railroad industry's security."²⁶

That concept is echoed by AAR's member organizations such as Burlington Northern Santa Fe, which tells its employees that their eyes and ears "are critical weapons in the protection of BNSF property and equipment."²⁷

But how can these "eyes and ears" be expected to perform such a mission when railroads are cutting down to skeleton crews and working employees to the point of exhaustion?

Seventy-four percent of BLET workers surveyed reported that they did not have another certified engineer available to assist or relieve them in case of an emergency or hijacking, and 15 percent reported working more than the 12-hour on duty maximum permitted by the federal Hours of Service laws.

While these figures represent an improvement from the first Safe Rails / Secure America survey, in which 87 percent of BLET members reported no available back-up, these results are startling given the enormity of the responsibility at issue.

Skeleton crews and worker fatigue create security risks in the rail yard, along bridges and rail tracks, in parked trains waiting for crews—virtually every aspect of the railroads' operations where those eyes and ears are critical is put in jeopardy. That much is clear from the workers' comments:

- *"So many job cuts and skeleton crews that it's impossible to watch the yard. We have entire shifts with no crews on duty."*
—Union Pacific employee, Iowa
- *"D[ue] to the shortage of manpower, I seriously doubt that track inspectors have time to inspect under bridges, control pts. 24 hours a day. We barely have enough people to try to maintain track so our brothers can safely ride across our country. We are undermanned*

trying to keep up with detector cars (rail), geometry car defects, FRA Insp. . . . Computers don't fix the tracks—we do!"

—Union Pacific employee, Wyoming

- *"If you don't have eyes you can't see the tr[e]spassers. They have cut so bad that my section covers 150 miles with 2 people on it. How are we suppose[d] to protect the rails?"*
—Union Pacific employee, Kansas
- *"No worker should ever work alone. Not only are there health risks involved with only 1 man per team, there are safety checks that a lone worker can't check. How many close calls do we need, not to mention deaths!"*
—CSX employee, Ohio

Twenty percent of BMWED workers surveyed reported that they worked by themselves, but that figure does not capture the amount of workers who found themselves as part of a skeleton crew. As one BMWED worker pointed out: "All sections except mine have been cut down to 1 person. Mine has 2. We do not have the man power to do most of our work, let alone worry about terrorists."

Worker fatigue has long been an issue threatening the safety and security of the rails. As reported in the first *High Alert*, the law allows that locomotive engineers can complete one full 12-hour workday and begin yet another in the same 24-hour period under federal Hours of Service laws. Other rail workers, including maintenance of way employees, have no federal restrictions on the number of consecutive hours they are allowed to work.

While the law has required that the work period be followed by at least eight hours off duty, travel time to and from home is included in the rest period, cutting into the actual time engineers and trainmen may sleep. In addition, a 1996 Supreme Court decision on 'limbo' time has allowed carriers to leave rail crews on trains for extended periods after they have exceeded their hours of service. A CSX worker in Ohio reports that he has waited eight hours or more to be relieved on road jobs after hours of service.

In 2008 a new rail safety improvement bill was signed into law that includes provisions regarding hours of service reform. The Rail Safety Improvement Act of 2008 (H.R. 2095) limits the total on-duty and limbo time for rail and signal employees to 276 hours per month; prohibits railroad employees from working shifts in excess of

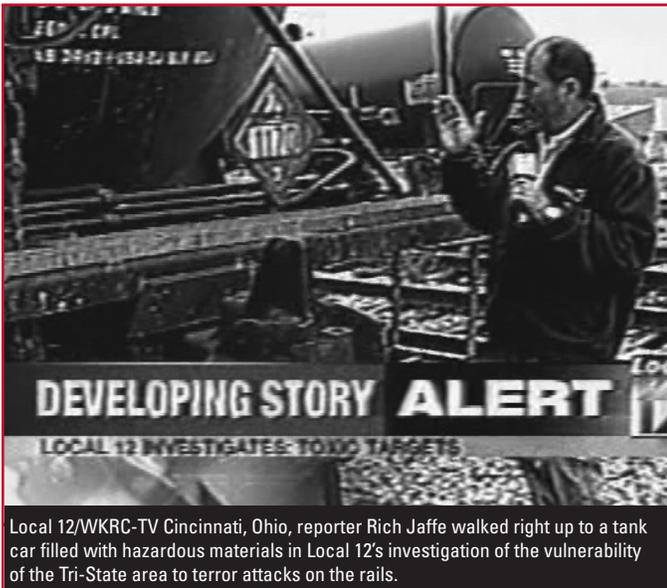


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12 hours; increases guaranteed off-duty hours from eight hours to 10 hours in a 24 hour period; requires two consecutive days off after six consecutive days worked and three consecutive days off after seven consecutive days worked; and limits limbo time to 40 hours per month the first year and then 30 hours per month thereafter.²⁸

However, several problems with the new provisions need to be addressed. Passed in the days following the September 12, 2008, collision in Chatsworth, California that killed 25 people, the bill took a “one-size-fits-all” approach that unnecessarily over regulates work hours for operating crews with fixed starting times. In addition, some of the language in the bill has resulted in the unanticipated consequences of forcing railroads to stop operating crews from working long before the monthly on-duty time limit is reached, and keeping crews at their away-from-home terminals longer than before the changes took effect. The BLET and the United Transportation Union are working together to remedy these problems.



OPEN AND ACCESSIBLE

BLET

Q. Was the rail yard access secure today?

A: Yes, 8 percent
No, 92 percent

Q. Did you see any trespassers in the yard today?

A: Yes, 24 percent
No, 76 percent

Q. Was equipment access secure today?

A: Yes, 14 percent
No, 86 percent

Q. Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?

A: Yes, 76 percent
No, 24 percent

Q. Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?

A: Yes, 55 percent
No, 45 percent, AND

Q. If yes, were there hazardous materials on board?

A: Yes, 53 percent
No, 47 percent

Q. Can you secure the cab against unauthorized access while occupied?

A: Yes, 49 percent
No, 51 percent

Q. While unoccupied?

A: Yes, 27 percent
No, 73 percent

BMWED

Q. Did you observe and/or report trespassers in a rail yard or along the right-of-way?

A: Yes, 33 percent
No, 67 percent

Q. Did you notice any running locomotives or trains left unattended in a yard, siding or along the right-of-way today?

A: Yes, 43 percent
No, 57 percent

After the first *High Alert* report was released, news crews across the country tested the accessibility of unattended rail cars carrying hazardous materials and found that a potential disaster was—quite literally—within arm's reach.

“Just five blocks from downtown Fort Worth—sodium hydroxide containers,” announced a reporter for KXAS-TV Dallas, Texas as he walked right up and touched a rail car filled with the hazardous cargo. “If a bomber blew up this car, emergency responders warn,



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all of downtown Fort Worth would be at risk of severe injury or even death.”²⁹

In Ohio, a reporter for Local 12/WKRC-TV Cincinnati told viewers: “We’re in same area where Cincinnati’s East Side saw their styrene leak last year”—a railcar chemical leak in August 2005 that caused the evacuation of more than 800 residents—“and we were able to walk right up to this tank car that is clearly labeled as carrying hazardous materials.”³⁰

In California, a reporter for KGPE-TV Fresno walked around rail cars filled with potassium hydroxide sitting on the fringe of downtown Fresno “right out in the open—no fence, no rail police, no security guards.” She added: “We hung around for more than half an hour and no one questioned our being there. What if we were terrorists?”³¹

Today, years later, these reporters would likely find rail cars filled with hazardous materials just as easy to access. At least, that is what the Safe Rails / Secure America 2 survey indicates: trains carrying hazardous materials are often left unattended for extended periods of time and rail yards are wide open, according to the workers surveyed.

Only eight percent of BLET workers surveyed said that the rail yard was secure, and 24 percent of BLET workers surveyed and 33 percent of BMWED workers surveyed reported seeing trespassers that day. That is 2,070 workers who saw trespassers in the rail yard or along the right of way—2,070 opportunities for disaster.

Not much has changed. In the first Safe Rails / Secure America survey, 32 percent of BLET workers surveyed and 23 percent of BMWED workers surveyed reported seeing trespassers, and only six percent of BLET workers surveyed said the rail yard was secure.

Workers comments about the easy access to rail yards filled with hazardous materials years after these security vulnerabilities have been exposed is nothing short of shocking:

- “Local TV stations have done segments on our satellite yards that have propane & ethanol trains. How easy to get into yards—still nothing done!! They don’t care!!”
—CSX employee, New York
- “Anyone at anytime could walk on the [locations omitted for security reasons] yards and be in arms reach of hazardous materials! These yards are 15 min from [location omitted for security reasons].”
—Union Pacific employee, Illinois

- “It is funny to myself and my close working brothers that the customers the company serves have security guards/gates (some . . . higher than others), but yet UPRR [Union Pacific] to me has an open yard [and] terminal to anyone who chooses to enter them.”
—Union Pacific employee, California

- “No security gates at my location. It[']s a major terminal. No CSX police, no additional training besides Record, Report & Recognize videos shown. One police officer for [w]hole service lane, continued job losses & remote engines used exclusively in yard. Out lying yards accept & sell all kind[s] of explosive gases. News crews came on property & waited to see if anyone [would] ask why they are there—3 hours spent waiting without anyone confronting them—saw on local news channel. Railroad security is a joke.”
—CSX employee, New York

- “Tanker trucks entering the yard to supply fuel & material to the engine service facility are not checked when they drive into the yard. It would be very easy for anyone to drive a tanker truck into the yard. This could pose a high risk to rail yards if terrorist[s] wanted to bring in explosive[s] in the yard. Major yard terminals should have a check in station for people entering the yard.”
—CSX employee, Georgia

“only **one** railroad police officer who I have never seen in the field in **11 years.**”

—CSX employee,
Virginia

- “A Wal-Mart parking lot has more security without the hazmat.”
—Union Pacific employee, Nevada

Fifty-five percent of BLET workers surveyed report that their train or equipment was delayed or left unattended for an extended period of time prior to or during their tour of duty, and more than half of these respondents also report that those cars were carrying hazardous materials. Seventy-six percent of BLET workers surveyed report that they noticed trains or equipment left unattended in yard sidings or along the right-of-way.



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That is an improvement since the first Safe Rails / Secure America survey in which 63 percent of BLET workers surveyed reported their train or equipment was delayed or left unattended for an extended period of time, and 84 percent said they noticed trains or equipment left unattended in yard sidings or along the right-of-way.

But even with the improvements made, the level of vulnerability is high.

“Anyone at anytime could walk right up to a hazardous car in [*location omitted for security reasons*] and place a bomb on a hazardous car if they wanted,” remarked one Union Pacific worker in Idaho. Another worker in California said: “Hazmat cars are left unattended all the time.”

The risks involved were noted in the GAO’s April 2009 *Freight Rail Security* report. The report explains that trains and railcars “sometimes sit for periods of time on rail tracks or in rail yards awaiting further shipment,” which “can be of particular concern for railcars carrying hazardous materials, since many rail yards and storage locations are located close to densely populated areas and may contain dozens of loaded hazardous materials tank cars at any given time.”³²

The TSA has made the risks related to these unattended toxic rail cars a focus of its efforts, according to statements made on its website. “The focal point of our attention is rail tank cars carrying toxic materials that traverse through major metropolitan areas and that are in an unattended status,” said Gilbert Kovar, general manager of the Freight Rail Division.³³ Yet according to front-line reports, TSA’s efforts to date have not sufficiently addressed the threat.

The GAO report also acknowledged the accessibility of rail yards to trespassers, and the challenges involved

with securing the yards. Noting that “the difficulty and cost associated with physically securing rail yards can leave these cars [with hazardous materials] accessible to trespassers,” the report details the GAO’s observations made while visiting rail yards:

“most of the rail yards we visited during our site visits did not have fencing, and most rail carriers told us that they did not consider fencing a cost-effective security measure. Specifically, larger rail yards, such as rail classification or switching yards where TIH cars would likely be located, can sometimes be over a mile or more in length, making them difficult to fence. Also, rail officials said that fencing is not a particularly difficult security measure to circumvent, and that it is difficult to completely fence a rail yard since trains need to be able to routinely move in and out. As a result, we observed rail carriers relying more heavily on other types of security measures at their larger facilities, such as surveillance cameras, enhanced lighting, random security patrols, promoting the awareness and vigilance of employees, and observations towers that could be used as security lookouts.”³⁴

However, the effectiveness of the carriers’ security strategies remains in question. Some of the workers’ comments regarding surveillance cameras, enhanced lighting and random security patrols raise serious concerns:

- “The carrier is relying on a few video cameras and one monitor screen to provide security. They monitor the crew room, and a tiny portion of the parking lot, that’s it.”

—Union Pacific employee, Illinois

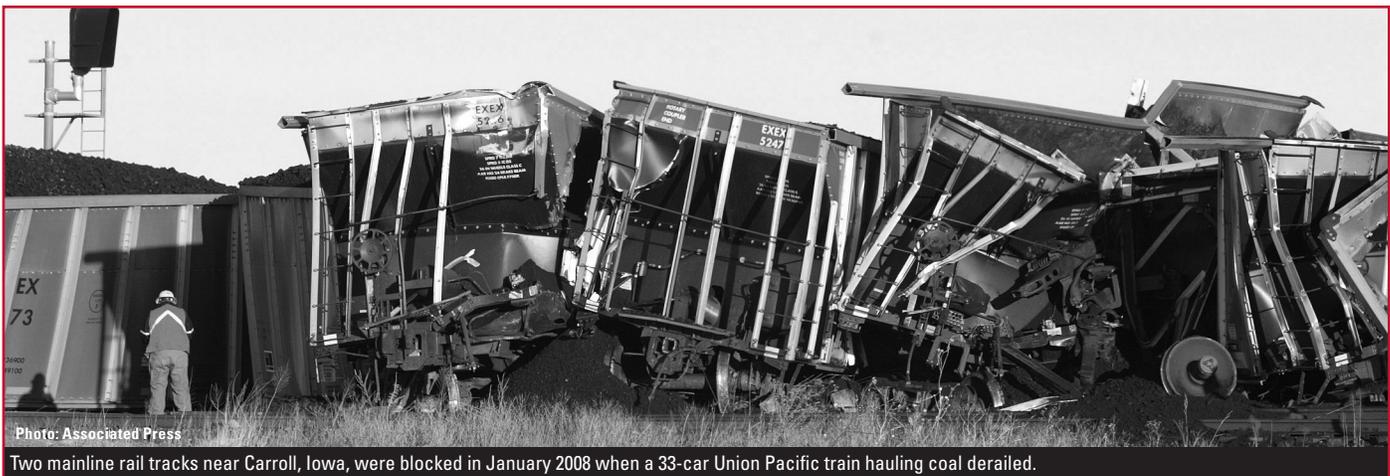


Photo: Associated Press

Two mainline rail tracks near Carroll, Iowa, were blocked in January 2008 when a 33-car Union Pacific train hauling coal derailed.



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- “The carrier is using video surveillance on employees only!”
—Union Pacific employee, Texas
- “Never anyone uniformed or otherwise providing security at any of the rail yards I visit. The only cameras I see are trained on the R.R. [railroad] employees, not access to the yards, hlds. [holdings], parking lots or other areas.”
—Union Pacific employee, state not disclosed
- “Our yard at [location omitted for security reasons] doesn’t even have lights on the north end of the yard. How’s that for security?? I have tried for years to get them installed.”
—CSX employee, Alabama
- “I work in [location omitted for security reasons]. There are no yard masters on duty on second or third shift. The building is left open for access of computers not to add the trains and cars are not protected.”
—CSX employee, Tennessee
- “There is no security on our property. We see numerous trespassers daily.”
—Union Pacific employee, Texas

Further, the GAO report acknowledges that “although many of the larger yards we visited had observation towers, these towers sometimes did not provide a clear view of the entire yard.”³⁵

“On all engines I’ve worked on in no way or form could we secure the doors from intruders getting in, and I’ve been out here for 9 years.”

—CSX employee,
Ohio

As for workers being vigilant about observing and reporting trespassers, their efforts are often hindered by the fact that the increasing use of contractors makes it difficult to identify those who belong and those who might have ulterior motives. As a Union Pacific employee

from Texas asked: “Who are the contractors? Are they ok or not, who knows! They come and go everyday.”

Workers’ efforts to report trespassers also seem to be dismissed and discouraged. A CSX worker from Virginia explained: “The officials at my work location act like it is an inconvenience to them when someone reports a suspicious act or person or vehicle around the yard.”

In addition to the risks of attack or hijacking, the issue of trespassers also raises serious employee safety concerns. Most rail workers are subject to severe restrictions on the use of cell phones while they work and—unlike airline pilots—they are not allowed to arm themselves in case of an attack.

One worker wrote: “I have gotten on trains many times and walked in the locomotive cab to find trespassers. I am . . . alone with no way to protect myself. We are not allowed to have our phones and do not carry a radio when working as a locomotive engineer. I had no way to contact the conductor or call for help.”

Only 49 percent of BLET workers surveyed reported that they can secure the cab against unauthorized access while occupied, up from 44 percent in the first Safe Rails / Secure America survey. Only 27 percent of BLET workers surveyed reported that they can do so while the cab is unoccupied, up from 11 percent in the first Safe Rails / Secure America survey. While this demonstrates some improvement, the workers still report an unacceptable vulnerability.

“A lot of engines don’t have working latches on the inside of the cab,” noted a Union Pacific worker from Texas. “Anybody could just walk right in while [the] train is moving.” A CSX worker from Ohio remarked, “On all engines I’ve worked on in no way or form could we secure the doors from intruders getting in, and I’ve been out here for 9 years.”

Open and accessible, indeed.

RAIL POLICE? WHAT RAIL POLICE?

BLET

Q: Was there a visible rail police presence in the yard today?

A: Yes, 7 percent
No, 93 percent

Q: Was today a heightened terrorist alert day?

A: Yes, 9 percent
No, 33 percent
Did not know, 58 percent, AND



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Photo: Associated Press

CSX officials inspect rail cars in the blackened Howard Street tunnel in Baltimore, Maryland. In July 2001, a CSX train carrying hazardous materials derailed in the tunnel, sparking a chemical fire that raged for five days.

Q: If yes, were there additional security personnel on duty in the yard or on locomotive?

A: Yes, 2 percent
No, 98 percent

BMWED

Q: Was today a heightened terrorist alert day?

A: Yes, 5 percent
No, 48 percent
Did not know, 47 percent, AND

Q: If yes, were there additional security personnel on duty in the yard or right-of-way?

A: Yes, 13 percent
No, 87 percent

In the first Safe Rails / Secure America survey, workers reported a virtual absence of rail police—in rail yards, at sidings, and along the right of way, even when hazardous materials are present.

Today rail police are still absent from the picture. Only seven percent of BLET workers surveyed reported seeing rail police in the yard that day. While that is up from four percent in the first survey, it is hardly a substantial shift—over 90 percent of BLET workers surveyed continue to report no visible police presence on the job.

The picture does not seem to change when the rails go under heightened security awareness. Only two percent of the BLET workers and 13 percent of BMWED workers surveyed—compared with zero percent and 10 percent,

respectively, in the 2004/2005 survey—reported seeing additional security personnel on duty during a heightened terrorist alert day.

Notably, though the AAR says that security is now part of daily employee briefings, 53 percent of all workers surveyed did not know whether it was a heightened terrorist alert day.³⁶

“I have not seen any rail police in at least 3 months!” said a Kansas City Southern worker from Texas. A CSX worker from Virginia said that for his region there is “only one railroad police officer who I have never seen in the field in 11 years.”

Often, rail workers say, rail police are based many miles away—too far to help in a crisis.

“In [location omitted for security reasons] we very rarely see company police and if called they are usually so far away city or county police have to be called. They usually are not familiar with R/R [railroad] operations,” explained a Union Pacific worker in Arizona. Another Union Pacific worker in Oregon said, “I was recently involved in an accident that resulted in a fatality. It took the R.R. [railroad] police 45 min. to arrive and we were just outside the yard!”

CRITICAL INFRASTRUCTURE EXPOSED

BMWED

Q: Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?

A: Yes, 10 percent
No, 34 percent
Did not know, 56 percent

Q: Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?

A: Yes, 5 percent
No, 23 percent
Did not know, 72 percent

Q: Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?

A: Yes, 4 percent
No, 9 percent
Did not know, 87 percent



Q: Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?

A: Yes, 12 percent
No, 17 percent
Did not know, 71 percent

Q: Are you “qualified” under the railroad operating rules (Book of Rules)?

A: Yes, 97 percent
No, 3 percent

Q: Are you “qualified” to inspect track under FRA Track Safety Standards?

A: Yes, 72 percent
No, 28 percent

Securing the thousands of miles of rail tracks crisscrossing the nation is no small feat. Indeed, as AAR puts it, the railroad “factory floor” is outdoors and more than 140,000 miles long, making it virtually impossible to secure the entire network.³⁷ Thus, according to AAR, “While our national transportation network IS expansive, the railroads have conducted a thorough risk assessment to identify and prioritize the industry’s assets and take actions to secure them.”³⁸

Key infrastructure, including major freight rail bridges, tunnels, and other assets, appears to be one of these security priorities according to the GAO April 2009 Freight Rail Security report. That report states that risks related to infrastructure, including major freight rail bridges, tunnels, and other assets, have been identified

“Freight rail stakeholders told us that if certain key bridges were **destroyed**, the flow of commerce could be severely **affected**, causing delays and shortages in the **delivery** of raw materials and other goods used for day-to-day living.”

—Government Accountability Office,
April 2009



Photo: Associated Press

In November 2008 a CSX train carrying coal derailed under the Crain Avenue bridge in Kent, Ohio, tearing out a city sewer line and threatening the structural integrity of the bridge.

collectively through TSA threat assessments, Department of Homeland Security Office of Infrastructure Protection vulnerability and consequence assessments, and the rail industry’s nationwide rail risk assessment.³⁹

The report details why infrastructure security—even when unrelated to the public’s physical safety—is so critical: “Freight rail stakeholders told us that if certain key bridges were destroyed, the flow of commerce could be severely affected, causing delays and shortages in the delivery of raw materials and other goods used for day-to-day living.”⁴⁰

Furthermore, the report explains that “the interdependency of freight and passenger rail infrastructure—including common bridges, tunnels, control centers, tracks, signals, and switches—increases the likelihood that incidents affecting highly critical assets could affect the entire system, including both freight and passenger rail carriers.”⁴¹

In other words, with or without the specter of toxic clouds spreading over neighboring communities, a widespread terrorist attack or series of attacks on railroad infrastructure could interrupt the transportation of goods and people across our rails.

Safe Rails / Secure America 2, however, found that the very BMWED workers who are the front line in rail inspections, maintenance and improvements were unaware of steps taken by the rail carriers to increase infrastructure security.



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Photo Credit: Associated Press

A BNSF train hauling 95 tons of sulfur dioxide—a corrosive gas that can be fatal if inhaled—derailed near Matfield Green, Kansas, in May 2003. Fifteen homes in the area were evacuated.

Only 10 percent of BMWED workers surveyed said that their railroad had increased the frequency of inspections at critical infrastructure points, and only five percent said that special security measures had been instituted at movable railroad bridges on their territory to protect against unauthorized entry or operations—56 percent and 72 percent, respectively, of the BMWED workers surveyed did not know whether their carriers had taken these steps.

These results mirror those of the first Safe Rails / Secure America survey. In 2004/2005, seven percent of BMWED workers surveyed said that their railroad had increased the frequency of inspections at critical infrastructure points, and four percent said that special se-

curity measures had been instituted at movable railroad bridges on their territory to protect against unauthorized entry or operations—51 percent and 66 percent, respectively, of the BMWED workers surveyed in 2004/2005 responded that they did not know whether their carriers had taken these steps

The April 2009 GAO report *Freight Rail Security* says that “railroads have taken action to better secure their bridges and tunnels, operations centers, and even their fuel depots,” but the workers survey responses—which indicate that front-line workers have not been instructed to increase the frequency of critical infrastructure inspections, have not been made aware of special security measures at movable railroad bridges, and have not received security-related training on the inspection of critical infrastructure—call into question just what these actions include, and why front-line workers are unaware of them.⁴²

According to the same GAO report, TSA has not fully assessed the railroad’s security efforts regarding critical infrastructure, having instead focused almost exclusively on risks related to highly toxic rail shipments. The report says that while TSA’s Corporate Security Reviews (broad reviews of individual rail carriers that assess their security plans and procedures) “provide TSA with an opportunity to review railroad critical infrastructure information included in a company’s security plan, they do not provide information on the security preparedness of specific freight rail infrastructure assets deemed nationally critical, particularly those that have been identified through DHS IP’s [Department of Homeland Security Office of Infrastructure Protection] efforts.”⁴³

MINIMAL TRAINING

BLET

Q: Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?

A: Yes, 30 percent
No, 70 percent, AND

Q: If yes, do you feel it was adequate?

A: Yes, 29 percent
No, 71 percent



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Q: Have you received specific training related to the monitoring of nuclear waste shipments?

A: Yes, 5 percent
No, 95 percent

BMWED

Q. Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?

A: Yes, 26 percent
No, 74 percent

Q: Have track and bridge inspectors received security-related training relative to the inspection of critical infrastructure along the right-of-way?

A: Yes, 12 percent
No, 17 percent
Did not know, 71 percent

Q: Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?

A: Yes, 72 percent
No, 28 percent

Q. Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?

A: Yes, 58 percent
No, 42 percent

71 percent
of BLET workers surveyed
who reported that they have
received **terrorism prevention**
and response training over the
past year said that training
was not adequate.

In comparison to the first Safe Rails / Secure America survey, workers' responses concerning security-related training actually reflect a significant improvement in terms of the number of workers who report that they have received rail security training—though that im-

provement is probably not apparent from the percentages themselves, which reveal with startling clarity that the rail carriers have far to go in this area.

In short, many railroad employees continue to report that their employers have provided little, if any, specific training regarding security or terrorism prevention—even for those workers who regularly work with or near hazardous materials—and that the training itself is inadequate.

Taking a look at the numbers, the percentage of BMWED workers surveyed who said that they have been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan jumped 20 percentage points since the first survey, notably pushing that percentage into majority status at 58 percent.

Similarly, the percentage of workers who said that they have received rail security training in the past year jumped up 18 percentage points among BLET workers surveyed to reach 30 percent, and rose nine percentage points among BMWED workers surveyed to reach 26 percent.

While these numbers are significantly higher than in the 2004/2005 surveys, the results still signal a frightening security gap—42 percent of BMWED workers surveyed still report that they have not been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan, and combined only 28 percent of all workers surveyed said that they have received rail security training in the past year.

Training is certainly not just about the quantity of workers reached—it is also about the quality of the training provided. If the railroads, as AAR claims, do indeed “depend on the vigilance of their employees to provide those additional ‘eyes and ears’ in the battle against terrorism and to help keep the railroads, and the public, as safe as possible,” then shouldn't the railroads be providing these ‘eyes and ears’ with comprehensive, high-quality rail security training and re-training regarding terrorism prevention and response?⁴⁴

According to AAR, the railroads' efforts are up to the task:

The railroads use a wide variety of educational media to enhance employee security awareness. Among the tools they use are videos, e-mail alerts and reminders, brochures, posters, newsletters and one-on-one contact with individual employees. Security issues are included in daily employee safety briefings and rail employees handling hazardous materials have received special security training as directed by the U.S. Department of Transportation.⁴⁵



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The workers comments, however, suggest otherwise:

- *“Other than watching a videotape, I have not been given any training related to terrorist attacks or security in my 35-plus year career as a locomotive engineer.”*
—CSX employee, Virginia
- *“[We] were shown videos, and that is the extent of training, if this can even be considered training.”*
—CSX employee, South Carolina
- *“The video and 10 question test on security was a joke. This is m[ere] lip service by the carrier. . .”*
—Union Pacific employee, Iowa
- *“At CSX a ten-minute video is all the security training you get. . .or need, so they think. Don’t ask any questions or you’re the problem!”*
—CSX employee, Illinois

Indeed, 71 percent of BLET workers surveyed who reported that they have received terrorism prevention and response training over the past year said that training was not adequate. Clearly, the railroads’ rail security employee training efforts are not resonating with the workers who are being asked to play a critical role in the battle against terrorism.

Alternate training options are available, but those options are on the workers’ dime. For example, the National Labor College (NLC) offers a rail workers hazardous materials training program that includes advanced classroom instruction, intensive hands-on drills, a simulated hazmat response in full safety gear, incident command, and weapons of mass destruction awareness and security training.⁴⁶



Members of the Aiken County, South Carolina, Hazmat team documented the January 2005 Graniteville crash in a DVD, including a frame that captures the cloudy aftermath of the collision.

Brenda Cantrell, former director of the NLC program, stated in a 2006 press release regarding rail safety, “Often our students tell us how they learn more about hazardous materials in the first few hours of our class than they do after years of working on the rails.”⁴⁷ At least one worker confirms, “Only real training I have received was thr[ough] the National Labor College in Silver Spring, Maryland . . . on my own time and without pay from [the] railroad.”

This begs the question as to why the rail carriers themselves, who admittedly “depend on the vigilance of their employees,” are not responding to workers’ reports that the current training provided by the railroads is not adequate, and is, rather, “a joke,” as so many have written.

Raising further concern is the railroads’ use of outside contractors, whose security-related training and practices are questionable.

“Contractors are taking our place. They don’t have to go [by] the same rules,” said a Union Pacific employee from Missouri. “They can cut corners and make their own rules.”

Another Union Pacific employee from Nebraska questioned: “You never hear of contractors breaking rules, being fined or if they all have been tested on our rules and safety regulations. Who checks them and how do we verify it?”

The workers comments raise serious questions about whether contractors are held to the same safety and security standards as employees and whether they are trained on the railroad’s security plan and other relevant terrorism prevention and response procedures.

Another concern is that some contractor firms hire former railroad employees who previously were dismissed for disciplinary infractions, including substance abuse. A Union Pacific employee from Arizona wrote: “Not knowing where these contractors hire their employees might become a dangerous issue for the railroads. I have seen contractors hire dishonest persons and put them to work on railroad tracks and yards. These are the same persons the railroads have fired before.”

It is unclear how many contractors are working on the railroad properties at any time, but BMWED researchers roughly estimate that about 10 percent of the daily Track and Bridge and Building workforce for the Class I railroads are contractors, and that estimate does not include workers who perform signal and communication work or mechanical repairs performed in the railroad maintenance shops.

Contractors perform any and all types of maintenance of way work and may own and operate their own equipment. In most cases, contractors are itinerant,



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showing up at one location for a period of time, leaving and returning somewhere else, potentially creating problems for employees who are trying to spot trespassers. As one Union Pacific employee from Utah wrote: “With so many contractors working for UP, I don’t know who is [a] contractor or [who] is not.”

REMOTE CONTROL—NO “EYES AND EARS”

BLET

Q: Was switching of rail equipment performed by remote control locomotives in the yard today?

A: Yes, 69 percent
No, 31 percent, AND

Q: If yes, were those cars carrying hazardous materials?

A: Yes, 92 percent
No, 8 percent

Q: Were remote control devices kept in a secure area today?

A: Yes, 51 percent
No, 49 percent

BMWED

Q. Were Remote Control Operations (RCOs) used on locomotives where you worked today?

A: Yes, 26 percent
No, 61 percent
Did not know, 13 percent

The ‘eyes and ears’ of America’s rail system are not just being replaced by outside contractors with questionable security training and procedures. They are also being replaced by remote control operations—a trend that brings with it obvious safety and security concerns.

The “bird’s eye view” provided to a properly seated engineer adds to the ability of the engineer to react appropriately to the various hazards and situations that arise. Having a qualified locomotive engineer at the controls of the locomotive is a vitally important safety and security measure.

Remote control operations, however, leave no one on board to be alert for hazards, accidents, or breaches of security. In addition, the remote control devices that control the rail equipment are often unsecured, creating additional security vulnerabilities that could be exploited with catastrophic results.

Railroads are not limiting remote control operations to nontoxic cargo. In fact, 92 percent of the BLET workers surveyed who reported that remote control technology was used in the yard that day also reported that the cars were carrying hazardous materials.

Ratcheting up security concerns is the fact that some of these remote control operations involving hazardous materials are taking place near densely-populated areas, schools, government buildings and security-sensitive facilities.

For example, one CSX employee in Kentucky reported that “[Location omitted for security reasons] switches [commodity omitted for security reasons] cars 250 ft away from a school with an RCO [remote control operations] crew!” Another CSX employee noted, “Remote control engines are used within 100 feet of [nuclear facility omitted for security reasons].”

In spite of the clear safety and security risks involved, the use of remote control technology is not currently regulated, and the practice of operating locomotives by remote control appears to be on the rise. Sixty-nine percent of BLET workers surveyed reported that the switching of rail equipment was performed by remote control locomotives in the yard that day, up from 65 percent in the first Safe Rails / Secure America survey.

Fortunately, Safe Rails / Secure America 2 shows that the railroads have made substantial improvements in securing the remote control devices that control the rail equipment. Fifty-one percent of BLET workers surveyed reported that remote control devices were kept in a secure area that day, up from 26 percent in the 2004/2005 survey.

Nonetheless, 49 percent of BLET workers surveyed still reported that remote control devices were not kept in a secure area—a particularly troubling fact given that the use of remote control technology appears to be increasing.

“I work in [location omitted for security reasons] and just about anyone who wanted to could take a remote control eng. [engine] and move it,” said a CSX worker in Tennessee. “The boxes are always left unattended.”

Public concern regarding the safety of remote control operations has led 43 communities and 20 counties across the U.S. to call for a ban on remote control use and to demand that the FRA strictly regulate the use of remote control technology. Some 21 AFL-CIO State Federations have adopted similar safety resolutions, as have five local, regional, or state Labor Councils and the Iowa Democratic Party.

The expansion of remote control technology has been a growing safety and security concern for the working men



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and women of the railroad industry for several years. The BLET continues to call for the technology to be regulated and believes that remote control is not appropriate to operate in or around passenger trains, over rail grade crossings, or when hazardous rail cars are involved.

“Nothing replaces the professional railroader’s eyes and knowledge of what things should look like and if something has been added or removed in his or her territory,” explained a Union Pacific employee. “We are assets that can not be replaced.”

HAZARDOUS MATERIALS: THE CRUX OF THE MATTER

BLET

Q: Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?

A: Yes, 79 percent
No, 21 percent

BMWED

Q: Did trains carrying hazardous materials pass your work area today?

A: Yes, 57 percent
No, 14 percent
Did not know, 29 percent

Mitigating the catastrophic risks associated with hauling hazardous materials is an inescapable challenge for the railroads, which are required by federal law to carry the toxic cargo for every customer.

And the term “catastrophic” accurately captures the level of risk involved, which, frankly, is difficult to overstate. Consider this statement that the AAR made in a written testimony for a Surface Transportation Board proceeding on the railroads’ common carrier obligation:

A TIH [Toxic Inhalation Hazard] release is also not readily—if at all—containable, no matter how rapidly an emergency response team may respond (or is able to respond due to the toxic nature of the release). The speed, path and destructive power of an accidental TIH release are based on the vagaries of wind, weather, time, geography, and population density of the surrounding areas. Should an accident occur within or near a densely populated

area, or should there be a popular public attraction within a few miles of the site in the path of the toxic TIH plume. . . an accident resulting in a TIH release under unfavorable meteorological conditions has the potential to be truly catastrophic (on a scale even exceeding Bhopal) and result in billions of dollars in personal injury and property damage claims.⁴⁸

In the Indian city of Bhopal on December 3, 1984, poisonous gas escaped from a chemical plant killing 3,000 people. That is according to official estimates—other estimates say between 8,000 and 10,000 people were killed. Some 50,000 people suffered permanent disabilities. According to the BBC, it was “the world’s worst industrial accident.”⁴⁹

Indeed, the devastating Graniteville, South Carolina accident in 2005—in which a freight train collision caused a TIH release that killed nine people and triggered the evacuation of 5,400 people—provides but a glimpse of the horrors a TIH accident could ignite, and some 100,000 carloads of this toxic cargo traverse our nation’s rails every year.⁵⁰

There is potential for unimaginable destruction, and at stake is none other than the American communities and economy built around our rail network—a point not lost on al Qaeda. The FBI’s 2002 warning that al Qaeda cells could be targeting trains carrying hazardous materials still looms over the U.S. railroads.⁵¹

And yet, America’s rail workers continue to witness gaping safety and security holes in the rail system as part of their day-to-day life on the job.

“I work out of [location omitted for security reasons] for the U.P. [Union Pacific]. We have a small yard east of downtown (about ½ mile) called [location omitted for security reasons]. U.P. unloads ethanol trains here. I have been down to this yard several times and never once seen a U.P. cop patrolling,” remarked a Union Pacific employee, who added: “Can you imagine if someone blew up 80 loaded ethanol cars at once?”

Another Union Pacific employee reported on a yard that is 100 feet from a major sports stadium, and the yard is guarded by only one police officer whom the railroad does not plan to replace when he retires shortly. “On game nights there’s probably 16,000 people in there with hazmat and nuclear waste passing by. We did see a short 10 min. power point video on ‘Being Alert’ and recognizing terrorist[s]. Very inadequate. . . I have no idea what a terrorist alert day is. Rail safety is non-existent in [loca-



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tion omitted for security reasons]. And it needs to change before something happens.”

Particularly disturbing is the stark contrast the rail workers describe between the security of their rail yards and the security of nearby ports and facilities that house similarly toxic materials.

- “This is a petrochemical area. All of the chem. [chemical] plants are fairly secure. Access to them is difficult. Most of their loaded chem. [chemical] tank cars are stored outside of these plants on railroad property unsecured!”

—KCS employee

- “Anyone could drive into our yard and it runs along a nuclear plant. [Location omitted for security reasons] has guards around plant, but rail yard is open from one end to the other.”

—CSX employee

- “Gaps in fencing in rail yard allow access to sensitive areas in ports of [locations omitted for security reasons] which the government is spending billions to secure. . . except the railyards.”

—BLET member

The danger involved is not remote—the rail network extends into the heart of many American communities.

“It doesn’t take a genius to see tracks run right behind Fresno city hall, past the federal courthouse and community medical center,” noted a report for KGPE-TV Fresno, California after explaining that, based on a report by the U.S. Naval Research Lab, just one tank of chlorine that passes over these tracks could kill 100,000 people in a half hour’s time—“roughly one quarter the population of Fresno.”⁵²

The Implementing Recommendations of the 9/11 Commission Act of 2007 provides that freight rail carriers must evaluate routing options for hazardous materials and choose the safest and most secure practicable route for shipments. Subsequent regulations published by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA) mandate that the railroads must address the security risks associated with shipments delayed in transit or temporarily stored in transit.

In addition, carriers are required to conduct security visual inspections at ground level of rail cars containing hazardous materials to check for signs of tampering

or the introduction of an improvised explosive device. FRA has the ultimate authority to order the rerouting of hazardous materials subject to the regulations.

With such potentially hazardous cargo moving through our neighborhoods and city centers, many questions for the railroads become clear: Are these rail cars secure from unauthorized access? Have special security measures been instituted at points of critical infrastructure? Is there a crew of skilled engineers on board to spot potential hazards or security breaches? Are nearby rail police patrolling for trespassers and available in case of an emergency? Have the workers on the train and workers who inspect the tracks received comprehensive training on terrorism prevention and response?

According to many of the 7,280 railroad workers who responded to the Safe Rails / Secure America 2 survey, the answer to these questions is “No.”



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Company-Specific Findings

Unlike the first Safe Rails / Secure America survey, which tabulated results only for the industry as a whole, Safe Rails / Secure America 2 results have been tabulated to examine progress and ongoing concerns across the industry and for each individual carrier.

This section takes a closer look at what each railroad's workers' surveys revealed, showing where each company falls in relation to its peers.

This section also discusses the public disclosures that each railroad makes regarding its security efforts and examines whether those efforts are resonating with the workforce.

As noted earlier in the report, Safe Rails / Secure America 2 is not intended to provide a scientific analysis. Rather, the results of the 7,280 worker surveys is meant to provide a glimpse into the day-to-day experience and perspective of the men and women who work on the U.S. rail system.

Based on the workers' responses, none of the carriers emerges as a strong leader across the board regarding rail security efforts. While some carriers appear to have more successful rail security efforts than others, the Safe Rails / Secure America 2 survey indicates that each carrier outperforms its peers in certain areas and underperforms its peers in other areas, without many extreme variations from the industry norm.

Overall, the responses for each individual rail carrier demonstrate the same alarming security gaps discussed in the previous section: a lack of security along the railroad tracks and in rail yards; skeleton crews and remote control technology; minimal and inadequate security training for employees; and insufficient progress by the carriers in improving security along the rails at points of vulnerability.

Burlington Northern Santa Fe

In Safe Rails / Secure America 2, 1,055 BLET members (locomotive engineers and trainmen) and 951 BMWED members (track workers, bridge and building employees and electric traction workers) employed by BNSF completed surveys, with BNSF workers comprising 27 percent of all survey responses.

The Burlington Northern Santa Fe – Safe Rails / Secure America 2 table shows the responses of BNSF workers compared with the overall industry averages, which comprise responses from workers employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific.

The table highlights questions where BNSF underperformed or outperformed the industry average by five or more percentage points.





Burlington Northern Santa Fe - Safe Rails / Secure America 2

Grey: BNSF Outperformed Industry Average By 5 or More Percentage Points

Red: BNSF Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	BNSF	Industry	Question	BNSF	Industry
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 76%	No, 74%	Did you work by yourself today (i.e. as a "Lone Worker")?	Yes, 25%	Yes, 20%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8 No = 8-12 Did not know = 12+	Less than 8 hours, 12%; 8-12 hours, 73%; 12+ hours, 15%	Less than 8 hours, 17%; 8-12 hours, 68%; 12+ hours, 15%	How many hours did you work today?	Less than 8 hours, 3%; 8-12 hours, 89%; 12+ hours, 8%	Less than 8 hours, 4%; 8-12 hours, 88%; 12+ hours, 8%
Open and Accessible	Was the rail yard access secure today?	No, 92%	No, 92%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 30%	Yes, 33%
	Was equipment access secure today?	No, 86%	No, 86%	Did you notice any running locomotives or trains left unmanned in a yard, siding or along the right-of-way today?	Yes, 45%	Yes, 43%
	Did you see any trespassers in the yard today?	Yes, 19%	Yes, 24%	84 percent of BNSF BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.		
	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 60%	Yes, 55%			
	If yes, were there hazardous materials on board?	Yes, 57%	Yes, 53%			
	Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 82%	Yes, 76%			
	Can you secure the cab against unauthorized access while occupied?	No, 52%	No, 51%			
	Can you secure the cab against unauthorized access while unoccupied?	No, 92%	No, 73%			
	Have you reported security concerns to a railroad supervisor?	Yes, 37%	Yes, 40%			
If yes, did you receive a follow-up to your report?	No, 84%	No, 86%				
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 92%	No, 93%	Was today a heightened terrorist alert day?	Did not know, 55%; Yes, 2%	Did not know, 47%; Yes, 5%
	Was today a heightened terrorist alert day?	Did not know, 55%; Yes, 19%	Did not know, 58%; Yes, 9%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 80%	No, 87%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 97%	No, 98%			



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Burlington Northern Santa Fe - Safe Rails / Secure America 2 *continued*

Grey: BNSF Outperformed Industry Average By 5 or More Percentage Points

Red: BNSF Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	BNSF	Industry	Question	BNSF	Industry
Critical Infrastructure	Only eight percent of BNSF BMWED workers surveyed said that track and bridge inspectors have received security-related training on the inspection of critical infrastructure along the right-of-way.			Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 57%; No, 35%	Did not know, 56%; No, 34%
				Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 77%; No, 20%	Did not know, 72%; No, 23%
				Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 90%; No, 7%	Did not know, 87%; No, 9%
				Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 69%; No, 23%	Did not know, 71%; No, 17%
				Are you "qualified" under the railroad operating rules (Book of Rules)?	Yes, 99%	Yes, 97%
				Are you "qualified" to inspect track under FRA Track Safety Standards?	Yes, 74%	Yes, 72%
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 72%	No, 70%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 88%	No, 74%
	If yes, do you feel it was adequate?	No, 73%	No, 71%	Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?	No, 39%	No, 28%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 97%	No, 95%	Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?	No, 70%	No, 42%
Remote Control - No "Eyes and Ears"	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 76%	Yes, 69%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 27%	Yes, 26%
	If yes, were those cars carrying hazardous materials?	Yes, 91%	Yes, 92%			
	Were remote control devices kept in a secure area today?	No, 48%	No, 49%			
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 77%	Yes, 79%	Did trains carrying hazardous materials pass your work area today?	Yes, 53%	Yes, 57%



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As demonstrated by the Burlington Northern Santa Fe – Safe Rails / Secure America 2 table, there are several critical areas in which BNSF appears to be underperforming its peer group—most notably, the areas of employee training and rail car security.

For example, 70 percent of the BNSF BMWED workers surveyed said that they have not been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan—that is 28 percentage points higher than the industry average and well over the majority mark.

Furthermore, 88 percent of BNSF BMWED workers surveyed reported they have not received any terrorism prevention and response training in the past year—that is 14 percentage points higher than the industry average.

In fact, for these two questions BNSF scored the worst of all the rail carriers, underperforming each of its peers.

Regarding locomotive security, 92 percent of BNSF BLET workers surveyed said they cannot secure the cab against unauthorized access while unoccupied—that is a remarkable 25 percentage points higher than the average for the other rail carriers, excluding BNSF, putting BNSF at the bottom of its peer group.

Sixty percent of BNSF BLET workers surveyed said that their train or equipment was delayed or left unattended for an extended period of time prior to or during their tour of duty, with 57 percent of these workers reporting that hazardous materials were on board the delayed or unattended train. That is five and four percentage points higher, respectively, than the industry average.

Eighty-two percent of BNSF BLET workers surveyed said they noticed other trains or equipment left unattended in yard sidings or along the right-of-way, which is six percentage points higher than the industry average.

In all, BNSF underperformed the industry average by five percentage points or more with respect to ten survey questions.

The company significantly outperformed its peer group (by five or more percentage points) with respect to only two questions—19 percent of BNSF BLET workers surveyed reported seeing trespassers in the yard versus 24 percent for the industry average, and 20 percent of BNSF BMWED workers surveyed reported that there were additional security personnel on duty in the yard or right-of-way on a heightened terrorist alert day versus 13 percent for the industry average.

BNSF Rail Security Disclosures

BNSF's 2008 Corporate Citizenship Report summarizes the company's rail security efforts, which include:

- joining with other railroads through the AAR to develop a comprehensive risk analysis and security management plan for all U.S. railroads;
- developing BNSF's own Security Management Plan and Crisis Management System;
- securing critical infrastructure and assessing high threat urban areas, focusing especially on vulnerabilities in rail facilities in highly populated areas where hazardous materials are moved;
- monitoring contractors through the E-RailSafe program, which provides background checks, security awareness training, and identification cards for contractors working on railroad property;
- maintaining the BNSF On Guard program to promote employee awareness and encourage the reporting of security violations;
- helping to develop Citizens for Rail Security, a community-based rail fan reporting program that enlists rail fans' help in reporting security violations, trespassers or unusual occurrences;
- maintaining a Trespasser Abatement Program;
- training employees using a security awareness training module, "Securing America's Railroads";
- implementing a Security Alert System that warns employees of the severity of a terrorist threat and under which employees are given additional security instructions at higher threat levels; and
- conducting drills with local emergency response personnel.⁵³

See Appendix II for BNSF's 2008 Corporate Citizenship Report's rail security disclosures.

BNSF workers' responses on the Safe Rails / Secure America 2 survey, however, raise questions about the effectiveness of its efforts.

For example, BNSF states that one of its key security activities is "securing critical infrastructure," and says that it has "taken steps to secure critical assets."⁵⁴ However, only nine percent of BNSF BMWED workers surveyed said that BNSF has increased the frequency of inspec-



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tions at critical infrastructure points, only three percent said that special security measures have been instituted at movable railroad bridges on their territory to protect against unauthorized entry or operations, and only three percent said that bridge tenders on movable bridges have a distress signal to alert authorities of security threats. Only eight percent of BNSF BMWED workers surveyed reported that track and bridge inspectors have received security-related training for the inspection of critical infrastructure along the right-of-way.

These results call into question just what steps BNSF has taken to secure critical infrastructure.

BNSF workers' surveys also raise questions about the company's efforts to acknowledge and encourage employee security awareness and action. For example, BNSF explains that it has an "On Guard" program designed "to recognize employees who protect BNSF's resources, people and facilities." According to the company's website, the program is "administered by local crime prevention specialists, who will give alert employees an On Guard pin, and report the action for inclusion in articles in BNSF Today."⁵⁵ Notably, none of the other rail carriers discloses on its website maintaining a program of this kind that recognizes and rewards employee security awareness and reporting.

BNSF workers surveyed, however, report that they are not receiving follow-up reports when they report security concerns to their supervisors. In fact, of the 37 percent of BNSF BLET workers surveyed who said that they have reported security concerns to a railroad supervisor, only 16 percent said they received a follow-up to their report.

While the "On Guard" program may not specify that employees will receive follow-up reports regarding any security concerns they report, BNSF's failure to follow up with employees after they report security concerns conflicts with the "On Guard" objective of recognizing and encouraging employee security awareness and action.

BNSF also explains that it requires employees to take a mandatory security awareness computer training module called "Securing America's Railroad," but only 12 percent of BNSF BMWED workers and 28 percent of BNSF BLET workers surveyed said that they have received any training related to terrorism prevention and response in the past 12 months—and only 27 percent of those BLET workers felt that the training was adequate.⁵⁶

Finally, BNSF discusses that its Security Alert System

warns employees of the severity of a terrorist threat to the BNSF network, but when asked if it was a heightened terrorist alert day, 55 percent of the BNSF BLET and BMWED workers surveyed said that they did not know.⁵⁷

The discrepancies between what BNSF says it is doing and what the front-line workers report raise serious questions about whether BNSF's rail security efforts are reaching the front-line workers.

CSX

In Safe Rails / Secure America 2, 777 BLET members and 653 BMWED members employed by CSX completed surveys, with CSX workers comprising 20 percent of all survey responses.

The CSX – Safe Rails / Secure America 2 table shows the responses of CSX workers compared with the overall industry averages, which comprise responses from workers employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific.

The table highlights questions where CSX underperformed or outperformed the industry average by five or more percentage points.

CSX appears to be significantly outperforming its peers in a key rail security area—employee training. In fact, based on the workers' responses, CSX is the leader in terms of the number of employees who have received security-related training.

Fifty percent of CSX BLET workers and 66 percent of CSX BMWED workers surveyed said that they have received training related to terrorism prevention and response in the last year—that is a full 24 percentage points higher than the BLET average for the other rail carriers and a whopping 51 percentage points higher than the BMWED average for the other rail carriers, putting CSX far ahead of the pack.

Similarly, 77 percent of CSX BMWED workers surveyed reported that they have been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan, versus 58 percent for the industry average, and 87 percent of CSX BMWED workers surveyed reported that they have been trained by the railroad in the Department of Transportation's hazardous materials placard system, versus 72 percent for the industry average.

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CSX - Safe Rails / Secure America 2

Grey: CSX Outperformed Industry Average By 5 or More Percentage Points

Red: CSX Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	CSX	Industry	Question	CSX	Industry
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 75%	No, 74%	Did you work by yourself today (i.e. as a "Lone Worker")?	Yes, 22%	Yes, 20%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8 No = 8-12 Did not know = 12+	Less than 8 hours, 16%; 8-12 hours, 66%; 12+ hours, 19%	Less than 8 hours, 17%; 8-12 hours, 68%; 12+ hours, 15%	How many hours did you work today?	Less than 8 hours, 2%; 8-12 hours, 91%; 12+ hours, 7%	Less than 8 hours, 4%; 8-12 hours, 88%; 12+ hours, 8%
	Was the rail yard access secure today?	No, 94%	No, 92%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 30%	Yes, 33%
Open and Accessible	Was equipment access secure today?	No, 88%	No, 86%	Did you notice any running locomotives or trains left unmanned in a yard, siding or along the right-of-way today?	Yes, 40%	Yes, 43%
	Did you see any trespassers in the yard today?	Yes, 28%	Yes, 24%	<p>88 percent of CSX BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.</p>		
Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 58%	Yes, 55%				
If yes, were there hazardous materials on board?	Yes, 54%	Yes, 53%				
Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 72%	Yes, 76%				
Can you secure the cab against unauthorized access while occupied?	No, 73%	No, 51%				
Can you secure the cab against unauthorized access while unoccupied?	No, 95%	No, 73%				
Have you reported security concerns to a railroad supervisor?	Yes, 40%	Yes, 40%				
If yes, did you receive a follow-up to your report?	No, 88%	No, 86%				
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 96%	No, 93%	Was today a heightened terrorist alert day?	Did not know, 35%; Yes, 7%	Did not know, 47%; Yes, 5%
	Was today a heightened terrorist alert day?	Did not know, 63%; Yes, 3%	Did not know, 58%; Yes, 9%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 83%	No, 87%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 100%	No, 98%			



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CSX - Safe Rails / Secure America 2 continued

Grey: CSX Outperformed Industry Average By 5 or More Percentage Points

Red: CSX Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	CSX	Industry	Question	CSX	Industry
Critical Infrastructure	<p align="center">“With CSX security is a much used word by managers but nothing is actually done to make a difference, that would cost money.” –CSX employee, Maryland</p>			Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 54%; No, 30%	Did not know, 56%; No, 34%
				Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 66%; No, 27%	Did not know, 72%; No, 23%
				Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 87%; No, 8%	Did not know, 87%; No, 9%
				Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 65%; No, 14%	Did not know, 71%; No, 17%
				Are you “qualified” under the railroad operating rules (Book of Rules)?	Yes, 97%	Yes, 97%
				Are you “qualified” to inspect track under FRA Track Safety Standards?	Yes, 71%	Yes, 72%
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 50%	No, 70%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 34%	No, 74%
	If yes, do you feel it was adequate?	No, 72%	No, 71%	Have you been trained by the railroad in the Department of Transportation’s hazardous materials placard system?	No, 14%	No, 28%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 93%	No, 95%	Have you been trained regarding your role in the railroad’s Emergency Action Plan or Emergency Response Plan?	No, 23%	No, 42%
Remote Control – No “Eyes and Ears”	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 76%	Yes, 69%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 27%	Yes, 26%
	If yes, were those cars carrying hazardous materials?	Yes, 96%	Yes, 92%			
	Were remote control devices kept in a secure area today?	No, 49%	No, 49%			
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 84%	Yes, 79%	Did trains carrying hazardous materials pass your work area today?	Yes, 66%	Yes, 57%



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These figures put CSX among the top of the peer group for each of these employee training-related questions.

The quality of the training that CSX provides, however, still appears to be a point of contention for the workers. Seventy-two percent of the CSX BLET workers who reported that they have received training related to terrorism prevention and response in the last 12 months felt that such training was inadequate—this figure is in line with the industry average.

“The terrorism training is minimal at best,” noted a CSX employee in Maryland. Another CSX employee in Virginia explained, “CSX’s training consists of an online/computer tutorial which is not truly interactive, and not very detailed.”

Also, CSX workers’ responses indicate problems in other critical areas.

On the BLET side, CSX workers are particularly uninformed regarding the terrorist alert levels. Sixty-three percent of CSX BLET workers surveyed said they did not know whether it was a heightened terrorist alert day, versus 58 percent for the industry average.

Several workers said they want such information. “The morning calls at CSX should include level of alert for the day,” noted a CSX BMWED employee. A CSX BLET employee similarly commented: “We are never alerted to a heightened alert day. Only place [that alert] is visible is on CSX gateway (on line)—should be on our orders.”

CSX scored the lowest of the carriers on questions regarding workers’ ability to secure the cab against unauthorized access. Only 27 percent of CSX BLET workers surveyed said that they can secure the cab against unauthorized access while occupied, and only five percent said that they can secure the cab while unoccupied—in each case that is a full 27 percentage points lower than the average for the other rail carriers, excluding CSX.

Also, CSX appears to be relying on remote control operations more than some of its peers do and using remote control on cars carrying hazardous materials more often than the other carriers. Seventy-six percent of the CSX BLET members surveyed said that the switching of rail equipment was performed by remote control locomotives in the yard that day, with nearly all of them—96 percent—reporting that those cars were carrying hazardous materials. That is higher than the industry average—69 percent of all BLET workers surveyed reported the switching of rail equipment by remote control with 92 percent of them reporting that the cars were carrying hazardous materials.

These figures on CSX’s remote control operations are

particularly troubling when taking into account the survey’s findings that CSX rail yards are in close proximity to populated areas and that CSX trains frequently carry hazardous materials. Eighty-four percent of CSX BLET workers surveyed reported that their rail yard is in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets, versus 79 percent for the industry average. Sixty-six percent of CSX BMWED workers surveyed reported that trains carrying hazardous materials passed their work area that day, versus 57 percent for the industry average.

In all, CSX outperformed the industry average by five percentage points or more with respect to five survey questions and underperformed the industry average by five percentage points or more with respect to four questions.

*CSX Rail Security Disclosures*⁵⁸

CSX publicly discloses information on its website regarding its rail security efforts, which include:

- working closely with local, state and federal authorities, including the Department of Transportation security personnel, the FBI, the National Security Council, and state and local law enforcement officers;
- establishing public-private partnerships with the states of New York, New Jersey, Kentucky, and Maryland, Indiana, Ohio, and Georgia, as well as with the TSA and the American Chemistry Council’s Chemtrec call response center, to share information, resources and strategies with state homeland security officials;
- as part of these partnerships, sharing its Network Operations Workstation System, which provides state homeland security and law enforcement officials with a tool to identify the status of CSX trains and rail cars in each state, helps security officials prepare for emergency response situations, and allows better coordination with state and local security and law enforcement officials;
- providing joint law enforcement and emergency responder training in which state and community emergency first responders train alongside CSX transportation experts in hazardous materials and emergency response; and
- sharing hazardous materials density studies with emergency response organizations.⁵⁹

See Appendix III for CSX’s rail security disclosures.



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CSX's disclosures indicate that the company is doing a substantial amount of information sharing, coordination, and training with state homeland security officials, state and local law enforcement officers, and emergency responders. Notably, its public-private partnerships with several states and the TSA are the first of its kind in the rail industry.

The company's disclosures, however, lack detail on the efforts CSX is making regarding securing rail yards and infrastructure, providing employee security-related preparedness training, recognizing and following up on employee security-related concerns and actions, and monitoring contractors.

From the workers' perspective, the company has problems in many of these areas.

For example, 94 percent of CSX BLET workers surveyed said that the rail yard access was not secure, and 96 percent of CSX BLET workers surveyed reported that there was not a visible rail police presence in the yard that day. Some of the workers comments also raise questions about the response time when rail police are called.

"CSX has cut down on their police department," noted a CSX employee. "In [*location omitted for security reasons*] there is no security patrolling and when you call the 800# sometimes no response is sent out or it may be hours later."

A CSX BMWED worker in Ohio wrote: "During the past 12 months I have seen an increase in trespassers and vandalism along the CSX tracks that I inspect. When reported to CSX Police, the response time ranges from 24 to 72 hours."

Many workers also reported that CSX fails to follow up with workers who have reported security concerns. In fact, of the 40 percent of CSX BLET workers who said they reported security concerns to a railroad supervisor, 88 percent said that they never received a follow-up to their report.

"Our concerns go in one ear and out the other of any railroad supervisor," said one CSX employee in Tennessee.

CSX's failure to follow up with workers might have kept at least one Ohio employee from reporting his own security concerns. He wrote, "Did not report security concerns to supervisor because I know he either can't or won't do anything."

Kansas City Southern

In Safe Rails / Secure America 2, 46 BLET members and 25 BMWED members employed by Kansas City Southern completed surveys, with Kansas City Southern workers comprising one percent of all survey responses.

The Kansas City Southern – Safe Rails / Secure America 2 table shows the responses of Kansas City Southern workers compared with the overall industry averages, which comprise responses from workers employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific.

The table highlights questions where Kansas City Southern (KCS) underperformed or outperformed the industry average by five or more percentage points.

Kansas City Southern workers completed a total of 71 surveys, representing only one percent of the overall industry results. Therefore, while this section evaluates the results of the company's surveys in relation to the industry average, it should be underscored that these results reflect a very limited snapshot of Kansas City Southern's operations.

The completed Kansas City Southern surveys show that the company might be outperforming its peers in a variety of rail security efforts. Kansas City Southern workers surveyed reported fewer one-man crews, fewer twelve-hour-long-plus workdays, and a stronger rail police presence.

Kansas City Southern workers surveyed also reported fewer unattended trains or equipment, though they also reported that those unattended trains were carrying hazardous materials more than half the time.

In the area of employee training, 96 percent of Kansas City Southern BMWED workers surveyed said they had been trained in the Department of Transportation's hazardous materials placard system—a full 24 percentage points higher than the 72 percent industry average. Also, of the Kansas City Southern BLET workers surveyed who said they had received terrorism-related training in the past year, 54 percent said it was adequate, compared with only 29 percent for the industry average. Only 44 percent of Kansas City Southern BMWED workers surveyed, however, said they were trained regarding their role in the railroad's Emergency Action Plan, versus 58 percent for the industry average.

Kansas City Southern workers also reported less reliance on remote control operations when hazardous materials are involved. Of the 68 percent of Kansas City Southern BLET workers surveyed who said that the



Kansas City Southern - Safe Rails / Secure America 2

Grey: Kansas City Southern Outperformed Industry Average By 5 or More Percentage Points

Red: Kansas City Southern Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	KCS	Industry	Question	KCS	Industry
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 77%	No, 74%	Did you work by yourself today (i.e. as a "Lone Worker")?	Yes, 22%	Yes, 20%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8 No = 8-12 Did not know = 12+	Less than 8 hours, 14%; 8-12 hours, 71%; 12+ hours, 14%	Less than 8 hours, 17%; 8-12 hours, 68%; 12+ hours, 15%	How many hours did you work today?	Less than 8 hours, 2%; 8-12 hours, 91%; 12+ hours, 7%	Less than 8 hours, 4%; 8-12 hours, 88%; 12+ hours, 8%
Open and Accessible	Was the rail yard access secure today?	No, 93%	No, 92%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 33%	Yes, 33%
	Was equipment access secure today?	No, 76%	No, 86%	Did you notice any running locomotives or trains left unmanned in a yard, siding or along the right-of-way today?	Yes, 35%	Yes, 43%
	Did you see any trespassers in the yard today?	Yes, 26%	Yes, 24%	100 percent of KCS BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.		
	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 51%	Yes, 55%			
	If yes, were there hazardous materials on board?	Yes, 62%	Yes, 53%			
	Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 64%	Yes, 76%			
	Can you secure the cab against unauthorized access while occupied?	No, 59%	No, 51%			
	Can you secure the cab against unauthorized access while unoccupied?	No, 77%	No, 73%			
	Have you reported security concerns to a railroad supervisor?	Yes, 26%	Yes, 40%			
If yes, did you receive a follow-up to your report?	No, 100%	No, 86%				
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 88%	No, 93%	Was today a heightened terrorist alert day?	Did not know, 42%; Yes, 4%	Did not know, 47%; Yes, 5%
	Was today a heightened terrorist alert day?	Did not know, 51%; Yes, 2%	Did not know, 58%; Yes, 9%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 100%	No, 87%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 100%	No, 98%			



HIGH ALERT PART 2

Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Kansas City Southern - Safe Rails / Secure America 2 *continued*

Grey: Kansas City Southern Outperformed Industry Average By 5 or More Percentage Points

Red: Kansas City Southern Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	KCS	Industry	Question	KCS	Industry
Critical Infrastructure	44 percent of Kansas City Southern BMWED workers surveyed said that the railroad has not increased the frequency of inspections at critical infrastructure points designed to detect and prevent acts of terrorists.			Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 44%; No, 44%	Did not know, 56%; No, 34%
				Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 48%; No, 39%	Did not know, 72%; No, 23%
				Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 65%; No, 26%	Did not know, 87%; No, 9%
				Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 74%; No, 17%	Did not know, 71%; No, 17%
				Are you "qualified" under the railroad operating rules (Book of Rules)?	Yes, 100%	Yes, 97%
				Are you "qualified" to inspect track under FRA Track Safety Standards?	Yes, 75%	Yes, 72%
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 71%	No, 70%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 71%	No, 74%
	If yes, do you feel it was adequate?	No, 46%	No, 71%	Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?	No, 4%	No, 28%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 98%	No, 95%	Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?	No, 57%	No, 42%
Remote Control - No "Eyes and Ears"	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 68%	Yes, 69%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 18%	Yes, 26%
	If yes, were those cars carrying hazardous materials?	Yes, 77%	Yes, 92%			
	Were remote control devices kept in a secure area today?	No, 46%	No, 49%			
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 70%	Yes, 79%	Did trains carrying hazardous materials pass your work area today?	Yes, 58%	Yes, 57%



Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

switching of rail equipment was performed by remote control locomotives in the yard that day, 77 percent reported that those cars were carrying hazardous materials, compared with 92 percent for the industry average.

One area where Kansas City Southern may be underperforming its peers is in the area of critical infrastructure. When asked if the railroad instituted special security measures at movable railroad bridges, 39 percent of Kansas City Southern BMWED workers surveyed said “no,” which is significantly higher than the 23 percent of the overall BMWED rail workers surveyed who definitively answered “no.” Similarly, when asked if bridge tenders on movable bridges have a distress signal to alert authorities of security threats, 26 percent of Kansas City Southern BMWED workers surveyed said “no” versus only nine percent for the overall BMWED rail workers surveyed.

In all, Kansas City Southern outperformed the industry average by five percentage points or more with respect to 12 survey questions and underperformed the industry average by five percentage points or more with respect to 8 survey questions. Again, Kansas City Southern workers completed a total of 71 surveys, representing only one percent of the overall industry results and reflecting a very limited snapshot of the company’s operations.

Kansas City Southern Rail Security Disclosures

Kansas City Southern’s 2009 Form 10-K filing summarizes the company’s rail security efforts, which include:

- utilizing a security plan based on an industry-wide security plan developed by the AAR that focuses on comprehensive risk assessments in five areas—hazardous materials; train operations; critical physical assets; military traffic; and, information technology and communications;
- participating with other AAR members in periodic drills under the industry plan to test and refine its provisions;
- periodically mailing each employee a security awareness brochure, which is also available on the company’s website;
- ongoing development and implementation of security plans for rail facilities in areas labeled by DHS as High Threat Urban Areas;
- analyzing routing alternatives and other strategies to reduce the distances that certain chemicals which might be toxic if inhaled are transported;

- including periodic security training as part of the scheduled training for operating employees and managers; and,
- working toward implementation of a contractor background check program for contractor employees having access to certain company facilities.

*See Appendix IV for Kansas City Southern’s 2009 Form 10-K’s rail security disclosures.*⁶⁰

Kansas City Southern’s disclosures raise some questions about its rail security efforts, particularly in the area of emergency response, employee training, and critical infrastructure.

The company notes that it is participating in periodic drills with other AAR members to test and refine the provisions of the industry-wide security plan but does not state whether it is also conducting drills with local emergency response personnel and/or coordinating with local emergency responders and law enforcement, which all of the other carriers disclose that they are doing.⁶¹

Kansas City Southern says that it periodically mails employees a security awareness brochure and provides periodic security training as part of the scheduled training for operating employees and managers, but it does not specify whether that training includes emergency response training for front-line employees in the event of a terrorist attack or other emergency.⁶² Fifty-seven percent of Kansas City Southern BMWED workers surveyed said that they have not been trained regarding their role in the railroad’s Emergency Action Plan or Emergency Response Plan.

The company does not mention whether it has procedures in place to recognize and encourage employees who are vigilant about reporting security concerns, and the survey indicates that this area is a problem for Kansas City Southern.⁶³ Of the 26 percent of Kansas City Southern BLET workers surveyed who said that they have reported security concerns to a railroad supervisor, 100 percent said that they did not receive a follow-up to their report. As an employee from Kansas said, “If you turn in security concerns, that’s usually it. There are no follow-ups or feedback on the issue.”

Finally, Kansas City Southern explains that the industry-wide security plan includes critical physical assets as one of the five major comprehensive risk assessment areas, but it does not state whether the company is taking steps to secure critical infrastructure. Kansas



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Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

City Southern points out that the industry-wide plan is kept confidential, with access to the plan tightly limited to members of management with direct security and anti-terrorism implementation responsibilities.⁶⁴ Nonetheless, the fact that many Kansas City Southern track workers, bridge and building employees and electric traction workers report that the company is not increasing the frequency of inspections at critical infrastructure points or instituting special security measures at movable railroad bridges raises concern.

Norfolk Southern

In Safe Rails / Secure America 2, 984 BLET members and 487 BMWED members employed by Norfolk Southern completed surveys, with Norfolk Southern workers comprising 20 percent of all survey responses.

The Norfolk Southern – Safe Rails / Secure America 2 table shows the responses of Norfolk Southern workers compared with the overall industry averages, which comprise responses from workers employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific.

The table highlights questions where Norfolk Southern (NS) underperformed or outperformed the industry average by five or more percentage points.

Norfolk Southern appears to be significantly outperforming its peers in the areas of securing rail cars and remote control operations and significantly underperforming its peers in the areas of employee training and critical infrastructure security.

Seventy-one percent of Norfolk Southern BLET workers surveyed said that they can secure the cab

against unauthorized access while occupied versus a 43 percent average for the other rail carriers, excluding Norfolk Southern. Eighty-five percent of Norfolk Southern BLET workers surveyed said that they can secure the cab against unauthorized access while the cab is unoccupied versus a 10 percent average for the other rail carriers, putting Norfolk Southern a giant leap ahead of its peers in terms of locomotive security.

Norfolk Southern workers also reported significantly less reliance on remote control operations. Forty-six percent of Norfolk Southern BLET workers surveyed reported that the switching of rail equipment was performed by remote control locomotives in the yard that day, and 18 percent of Norfolk Southern BMWED workers surveyed reported that remote control operations were used on locomotives where they worked that day—that is 23 percentage points and eight percentage points lower than the industry averages, respectively.

Also, of the Norfolk Southern BLET workers surveyed who reported that remote control operations were used, 87 percent said the cars involved were carrying hazardous materials, versus 92 percent for the industry average.

Regarding employee training, however, Norfolk Southern appears to lag behind other carriers. Only 59 percent of Norfolk Southern BMWED workers surveyed reported that they have been trained by the railroad in the Department of Transportation's hazardous materials placard system, versus 72 percent for the industry average. Also, only 47 percent of Norfolk Southern's BMWED workers surveyed said they have been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan, versus 58 percent for the industry average.

Norfolk Southern - Safe Rails / Secure America 2						
Grey: Norfolk Southern Outperformed Industry Average By 5 or More Percentage Points						
Red: Norfolk Southern Underperformed Industry Average By 5 or More Percentage Points						
	BLET			BMWED		
	Question	NS	Industry	Question	NS	Industry
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 73%	No, 74%	Did you work by yourself today (i.e. as a "Lone Worker")?	Yes, 17%	Yes, 20%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8, No = 8-12, Did not know = 12+	Less than 8 hours, 20%; 8-12 hours, 64%; 12+ hours, 16%	Less than 8 hours, 17%; 8-12 hours, 68%; 12+ hours, 15%	How many hours did you work today?	Less than 8 hours, 2%; 8-12 hours, 86%; 12+ hours, 12%	Less than 8 hours, 4%; 8-12 hours, 88%; 12+ hours, 8%



Norfolk Southern - Safe Rails / Secure America 2 continued

Grey: Norfolk Southern Outperformed Industry Average By 5 or More Percentage Points

Red: Norfolk Southern Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	NS	Industry	Question	NS	Industry
Open and Accessible	Was the rail yard access secure today?	No, 93%	No, 92%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 33%	Yes, 33%
	Was equipment access secure today?	No, 76%	No, 86%	Did you notice any running locomotives or trains left unmanned in a yard, siding or along the right-of-way today?	Yes, 35%	Yes, 43%
	Did you see any trespassers in the yard today?	Yes, 26%	Yes, 24%	84 percent of Norfolk Southern BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.		
	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 51%	Yes, 55%			
Open and Accessible continued	Did you see any trespassers in the yard today?	Yes, 25%	Yes, 24%	84 percent of Norfolk Southern BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.		
	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 53%	Yes, 55%			
	If yes, were there hazardous materials on board?	Yes, 49%	Yes, 53%			
	Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 71%	Yes, 76%			
	Can you secure the cab against unauthorized access while occupied?	No, 29%	No, 51%			
	Can you secure the cab against unauthorized access while unoccupied?	No, 15%	No, 73%			
	Have you reported security concerns to a railroad supervisor?	Yes, 46%	Yes, 40%			
	If yes, did you receive a follow-up to your report?	No, 84%	No, 86%			
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 90%	No, 93%	Was today a heightened terrorist alert day?	Did not know, 46%; Yes, 2%	Did not know, 47%; Yes, 5%
	Was today a heightened terrorist alert day?	Did not know, 65%; Yes, 1%	Did not know, 58%; Yes, 9%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 100%	No, 87%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 100%	No, 98%			



HIGH ALERT PART 2

Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Norfolk Southern - Safe Rails / Secure America 2 continued

Grey: Norfolk Southern Outperformed Industry Average By 5 or More Percentage Points

Red: Norfolk Southern Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	NS	Industry	Question	NS	Industry
Critical Infrastructure	<p>43 percent of Norfolk Southern BMWED workers surveyed said that the railroad has not increased the frequency of inspections at critical infrastructure points designed to detect and prevent acts of terrorists.</p>			Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 48%; No, 43%	Did not know, 56%; No, 34%
				Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 71%; No, 25%	Did not know, 72%; No, 23%
				Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 88%; No, 10%	Did not know, 87%; No, 9%
				Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 67%; No, 23%	Did not know, 71%; No, 17%
				Are you "qualified" under the railroad operating rules (Book of Rules)?	Yes, 96%	Yes, 97%
				Are you "qualified" to inspect track under FRA Track Safety Standards?	Yes, 76%	Yes, 72%
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 76%	No, 70%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 77%	No, 74%
	If yes, do you feel it was adequate?	No, 71%	No, 71%	Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?	No, 41%	No, 28%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 94%	No, 95%	Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?	No, 53%	No, 42%
Remote Control – No "Eyes and Ears"	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 46%	Yes, 69%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 18%	Yes, 26%
	If yes, were those cars carrying hazardous materials?	Yes, 87%	Yes, 92%			
	Were remote control devices kept in a secure area today?	No, 52%	No, 49%			
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 79%	Yes, 79%	Did trains carrying hazardous materials pass your work area today?	Yes, 61%	Yes, 57%



Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Critical infrastructure appears to be another area where Norfolk Southern is behind some of its peers. Forty-three percent of Norfolk Southern BMWED workers surveyed said that their railroad has not increased the frequency of inspections at critical infrastructure points, versus 34 percent for the industry average. Twenty-three percent of Norfolk Southern BMWED workers surveyed said that track and bridge inspectors have not received security-related training on the inspection of critical infrastructure along the right-of-way, versus 17 percent for the industry average.

In all, Norfolk Southern outperformed the industry average by five percentage points or more with respect to eight survey questions and underperformed the industry average by five percentage points or more with respect to seven questions.

Norfolk Southern Rail Security Disclosures

Norfolk Southern's 2009 Form 10-K filing summarizes the company's rail security efforts, which include:

- developing and implementing a security plan developed in conjunction with the industry-wide security plan prepared by the AAR;
- providing security awareness training to all railroad employees who directly affect hazardous material transportation safety and providing more in-depth security training to select Norfolk Southern employees who have been given specific security responsibilities;
- developing location-specific security plans for certain metropolitan areas and each of six port facilities served by Norfolk Southern;
- through participation in the Transportation Community Awareness and Emergency Response Program, providing rail accident response training to approximately 4,300 emergency responders, such as local police and fire personnel;
- participating in 15 drills including 2 major full-scale exercises with various local, state, and federal agencies; and
- sponsoring local emergency responders at tank car emergency response training programs.⁶⁵

See Appendix V for Norfolk Southern's 2009 Form 10-K's rail security disclosures.

Norfolk Southern workers' responses in Safe Rails / Secure America 2 raise questions and concerns about some of the company's disclosures.

For example, Norfolk Southern says that it provides security awareness training to all railroad employees who directly affect hazardous material transportation safety and provides more in-depth security training to select Norfolk Southern employees who have been given specific security responsibilities.⁶⁶

Seventy-six percent of Norfolk Southern BLET workers surveyed said that they have not received any training related to terrorism prevention and response in the last 12 months. Is this because these workers do not directly affect hazardous material transportation safety and do not have specific security responsibilities? Or is this because Norfolk Southern does not provide recurrent security training on at least an annual basis?

Furthermore, Norfolk Southern discloses that it has expended efforts training emergency responders, but it appears that the company has not extended the same training to its own employees. Fifty-three percent of Norfolk Southern BMWED workers surveyed said they have not been trained regarding their role in the railroad's Emergency Action Plan or Emergency Response Plan.

Norfolk Southern also states that Norfolk Southern Operations Division employees are advised by their supervisors or train dispatchers, as appropriate, of any change in Alert Level and any additional responsibilities they may incur due to such change.⁶⁷ However, 65 percent of Norfolk Southern BLET workers and 46 percent of Norfolk Southern BMWED workers surveyed said they did not know if it was a heightened terrorist alert day.

Finally, Norfolk Southern discloses that it is guided in its operations by action items that pay particular attention to the establishment of secure storage areas for rail cars carrying TIH materials, the expedited movement of trains transporting rail cars carrying TIH materials, and the minimization of unattended loaded tank cars carrying TIH materials.⁶⁸

Nevertheless, 90 percent of Norfolk Southern BLET workers surveyed said that the rail yard was not secure and 79 percent said that rail equipment was not secure. Also, 53 percent of Norfolk Southern BLET workers surveyed said their train or equipment was delayed or left unattended for an extended period of time prior to or during their tour of duty, and 49 percent of these workers said those trains were carrying hazardous materials. Seventy-one percent of Norfolk Southern BLET workers



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Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

surveyed said they noticed other trains or equipment left unattended in yard sidings or along the right-of-way.

Norfolk Southern does not mention whether it has procedures in place to recognize and encourage employees who are vigilant about reporting security concerns, and the survey indicates that this area is a problem. Of the 46 percent of Norfolk Southern BLET workers surveyed who said that they have reported security concerns to a railroad supervisor, 84 percent said that they did not receive a follow-up to their report.

Norfolk Southern's disclosures also do not address what efforts the company is taking to secure critical infrastructure or monitor contractors.

Union Pacific

In Safe Rails / Secure America 2, 1,335 BLET members and 967 BMWED members employed by Union Pacific completed surveys, with Union Pacific workers comprising 32 percent of all survey responses.

The Union Pacific – Safe Rails / Secure America 2 table shows the responses of Union Pacific workers compared with the overall industry averages, which comprise

responses from workers employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, and Union Pacific.

The table highlights questions where Union Pacific (UP) underperformed or outperformed the industry average by five or more percentage points.

Overall, Union Pacific workers report the same kinds of security gaps reported by employees for the other carriers. There are a few areas, however, in which Union Pacific either leads or falls behind its peer rail companies, based on the worker surveys.

More Union Pacific workers reported being unable to secure the cab against unauthorized access while unoccupied. Eighty-seven percent of Union Pacific BLET workers surveyed said that they cannot secure the cab while unoccupied versus 73 percent for the industry average.

“Until such time as I can secure my locomotive cab, whether I’m inside it, or after I leave at the end of my duty, I don’t feel safe,” noted a Union Pacific employee in Iowa.

Unattended trains are an area of particular concern. Forty-eight percent of Union Pacific BMWED workers surveyed said they noticed running locomotives or trains left unmanned in a yard, siding or along the right-of-way, compared with 43 percent for the industry average.

Union Pacific - Safe Rails / Secure America 2						
Grey: Union Pacific Outperformed Industry Average By 5 or More Percentage Points						
Red: Union Pacific Underperformed Industry Average By 5 or More Percentage Points						
	BLET			BMWED		
	Question	UP	Industry	Question	UP	Industry
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 73%	No, 74%	Did you work by yourself today (i.e. as a “Lone Worker”)?	Yes, 17%	Yes, 20%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8, No = 8-12, Did not know = 12+	Less than 8 hours, 17%	Less than 8 hours, 17%	How many hours did you work today?	Less than 8 hours, 7%	Less than 8 hours, 4%
		8-12 hours, 69%	8-12 hours, 68%		8-12 hours, 87%	8-12 hours, 88%
		12+ hours, 14%	12+ hours, 15%		12+ hours, 6%	12+ hours, 8%
Open and Accessible	Was the rail yard access secure today?	No, 93%	No, 92%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 36%	Yes, 33%
	Was equipment access secure today?	No, 90%	No, 86%	Did you notice any running locomotives or trains left unmanned in a yard, siding or along the right-of-way today?	Yes, 48%	Yes, 43%
	Did you see any trespassers in the yard today?	Yes, 26%	Yes, 24%			



Union Pacific - Safe Rails / Secure America 2 continued

Grey: Union Pacific Outperformed Industry Average By 5 or More Percentage Points

Red: Union Pacific Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	UP	Industry	Question	UP	Industry
Open and Accessible <i>continued</i>	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 52%	Yes, 55%	87 percent of Union Pacific BLET workers surveyed who reported security concerns to a railroad supervisor did not receive a follow-up to their report.		
	If yes, were there hazardous materials on board?	Yes, 51%	Yes, 53%			
	Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 77%	Yes, 76%			
	Can you secure the cab against unauthorized access while occupied?	No, 53%	No, 51%			
	Can you secure the cab against unauthorized access while unoccupied?	No, 87%	No, 73%			
	Have you reported security concerns to a railroad supervisor?	Yes, 38%	Yes, 40%			
	If yes, did you receive a follow-up to your report?	No, 87%	No, 86%			
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 95%	No, 93%	Was today a heightened terrorist alert day?	Did not know, 47%; Yes, 7%	Did not know, 47%; Yes, 5%
	Was today a heightened terrorist alert day?	Did not know, 53%; Yes, 10%	Did not know, 58%; Yes, 9%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 90%	No, 87%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 98%	No, 98%			
Critical Infrastructure	“I work alone on a moveable bridge in [location omitted for security reasons] and have great concerns as to our vulnerability as a terrorist target and our security.” –Union Pacific employee, Minnesota			Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 60%; No, 31%	Did not know, 56%; No, 34%
				Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 72%; No, 24%	Did not know, 72%; No, 23%
				Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 86%; No, 11%	Did not know, 87%; No, 9%
				Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 78%; No, 12%	Did not know, 71%; No, 17%
				Are you “qualified” under the railroad operating rules (Book of Rules)?	Yes, 95%	Yes, 97%
				Are you “qualified” to inspect track under FRA Track Safety Standards?	Yes, 69%	Yes, 72%



HIGH ALERT PART 2

Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Union Pacific - Safe Rails / Secure America 2 *continued*

Grey: Union Pacific Outperformed Industry Average By 5 or More Percentage Points

Red: Union Pacific Underperformed Industry Average By 5 or More Percentage Points

	BLET			BMWED		
	Question	UP	Industry	Question	UP	Industry
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 74%	No, 70%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 87%	No, 74%
	If yes, do you feel it was adequate?	No, 69%	No, 71%	Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?	No, 23%	No, 28%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 94%	No, 95%	Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?	No, 23%	No, 42%
Remote Control – No "Eyes and Ears"	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 76%	Yes, 69%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 27%	Yes, 26%
	If yes, were those cars carrying hazardous materials?	Yes, 92%	Yes, 92%			
	Were remote control devices kept in a secure area today?	No, 49%	No, 49%			
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 78%	Yes, 79%	Did trains carrying hazardous materials pass your work area today?	Yes, 52%	Yes, 57%

A Union Pacific employee in Kansas commented on the related security issues: "Nearly any train could be easily hijacked or stolen when left unattended. The reversers are always left lying on the console. That[']s like leaving the keys in an unlocked car."

As with the other carriers, Union Pacific fails to follow up with employees who report security concerns, possibly discouraging those workers from reporting future concerns. Of the 38 percent of Union Pacific BLET workers who said they have reported security concerns to a railroad supervisor, 87 percent said they did not receive a follow-up to their report.

In the area of employee training, Union Pacific appears to be doing a much better job than its peers in training its employees regarding their role in the company's Emergency Action Plan. Seventy-seven percent of Union Pacific BMWED workers surveyed said that they have been trained regarding their role in Union Pacific's Emergency Action Plan or Emergency Response plan, which is 29 percentage points higher than the average for the other rail carriers, excluding Union Pacific.

Eighty-seven percent of Union Pacific BMWED workers surveyed, however, reported that they have not received any training related to terrorism prevention and response in the last 12 months, versus 74 percent for the industry average and 68 percent for the average for the other rail carriers, excluding Union Pacific.

Union Pacific might be using remote control operations more often than some of its peers. Seventy-six percent of Union Pacific BLET workers surveyed said that the switching of rail equipment was performed by remote control locomotives in the yard that day, compared with 69 percent for the industry average. One Union Pacific BLET worker commented, "I have brought up many safety concerns related to remote control locomotives and have been yelled at by managers for bringing up the issue."

In all, Union Pacific outperformed the industry average by five percentage points or more with respect to four survey questions and underperformed the industry average by five percentage points or more with respect to four questions.



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Union Pacific Rail Security Disclosures

Union Pacific's 2009 Form 10-K filing summarizes the company's rail security efforts, which include:

- maintaining a security plan that includes four levels of alert status, each with its own set of countermeasures;
- employing its own police force, consisting of more than 220 commissioned and highly-trained officers;
- recurrent security and preparedness training for employees, as well as federally-mandated hazardous materials and security training;
- operating an emergency response management center that receives reports of emergencies, dangerous or potentially dangerous conditions and other safety and security issues from employees, the public, law enforcement and other government officials;
- expediting the movement of hazardous material shipments;
- helping to sponsor Operation Respond, which provides first responders with secure links to electronic railroad resources, including mapping systems, shipment records, and other information required by emergency personnel to respond to accidents and other situations;
- working with the American Chemistry Council to train more than 200,000 emergency responders each year; and,
- working with the FRA and other railroads to develop an improved tank car design that will further limit the risk of releases of hazardous materials.⁶⁹

See Appendix VI for Union Pacific's 2009 Form 10-K's rail security disclosures.

Union Pacific workers' responses in Safe Rails / Secure America 2 raise questions and concerns regarding some of the company's rail security disclosures.

For example, Union Pacific states that it employs more than 220 commissioned and highly-trained rail police officers.⁷⁰ Only five percent of Union Pacific BLET workers surveyed, however, reported that there was a visible rail police presence in the yard that day.

Similarly, Union Pacific states that it provides employees with recurrent security and preparedness training.⁷¹ Yet, only 26 percent of Union Pacific BLET workers surveyed and only 13 percent of Union Pacific BMWED

workers surveyed said that they have received any training related to terrorism prevention and response in the past 12 months.

While the company says it is working to expedite the movement of hazardous material shipments, 52 percent of the Union Pacific BLET workers surveyed still reported that their train or equipment was delayed or left unattended for an extended period of time prior to or during their tour of duty, and 51 percent of these workers said the unattended cars were carrying hazardous materials.

The gap between what the company says it is doing and what its workers report raises serious accountability concerns.

Union Pacific also says that it is working with the FRA and other railroads to develop an improved tank car design that will further limit the risk of releases of hazardous materials.⁷² While this is certainly commendable—and a step none of the other railroads discloses taking—it raises the question why Union Pacific has not taken other steps to improve the security of its locomotives. Eighty-seven percent of Union Pacific BLET workers surveyed said they could not secure the cab against unauthorized access while unoccupied.

Union Pacific's disclosures also do not address what efforts the company is taking to secure critical infrastructure, encourage and follow up on employee security concern reports, or monitor contractors.

Recommendations

Some seven years since the FBI's chilling warning that al Qaeda could be targeting trains carrying hazardous materials, rail workers who spend their days on the front lines of the U.S. rail system continue to report gaping rail security holes that put the public's safety at risk.

It is critical that these rail workers—who are intimately familiar with the system's vulnerabilities—and their representatives play a key role in establishing a viable security plan to be approved and enforced by the TSA.

Safe Rails / Secure America 2 shows that there have been some security improvements made by various railroads since the publication of *High Alert* in 2005; however, this report demonstrates that progress in the area of rail security has not been uniform and each carrier has ample room for improvement. Therefore, the recommendations offered in the first *High Alert* report continue to apply to the current state of security on our nation's railroads.



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A viable rail security program, administered by the TSA, would address key issues including:

- Securing the rail infrastructure at points of vulnerability, that is, bridges, tunnels, yards, etc.;
- Increasing minimum requirements for inspections of critical infrastructure, that is, tracks, bridges, tunnels, track diamonds, signal systems, etc.;
- Manning and securing the nation's movable railroad bridges;
- Establish strict compliance standards and comprehensive reporting requirements;
- Assessing penalties for carriers' compliance or reporting violations;
- Improving storage of hazardous materials in transportation (that is, in yards, rather than along rights of way); and,
- Securing equipment including, but not limited to, remote control devices.
- Provide distress codes or signal system—other than railroad radio—to alert law enforcement officials of hijack, attack, or other emergency.
- Provide adequate railroad or public security presence to prevent security breaches and to ensure timely response to emergencies.
- Secure yards from trespassers.
- Establish a system to notify rail workers of the railroad industry's national or local threat level.
- Train all rail employees on the carriers' security plan, including the employees' specific roles and responsibilities related to such a security plan.
- Provide distress signals for bridge tenders on movable bridges to alert authorities of security threats.
- Restrict remote control use to non-hazmat shipments.
- Penalize rail corporations which have failed to adequately train workers in security/terrorism prevention; inspections of infrastructure; hazardous materials (including nuclear waste); and OSHA's Emergency Action Plans and/or Emergency Response Plans.
- Establish standard protocols for training that all rail corporations must provide.
- Require all railroad subcontractors and their employees to receive standardized training and to undergo the same background, skills, and "fitness for duty" checks required



Appendix I

Safe Rails / Secure America 2

Grey: Best Performer(s) Based on Worker Responses

Red: Worst Performer(s) Based on Worker Responses

		BLET					BMWED					
	Question	BNSF	CSX	KCS	NS	UP	Question	BNSF	CSX	KCS	NS	UP
Skeleton Crews and Worker Fatigue	Was there another certified engineer available to assist or relieve you in case of emergency or hijacking?	No, 76%	No, 75%	No, 77%	No, 73%	No, 73%	Did you work by yourself today (i.e. as a "Lone Worker")?	Yes, 25%	Yes, 22%	Yes, 9%	Yes, 17%	Yes, 17%
	How many hours did you work today? (include time on train waiting to be relieved) Yes = Less than 8, No = 8-12, Did not know = 12+	Less than 8 hrs, 12%;	Less than 8 hrs, 16%;	Less than 8 hrs, 14%;	Less than 8 hrs, 20%;	Less than 8 hrs, 17%;	How many hours did you work today?	Less than 8 hrs, 3%;	Less than 8 hrs, 2%;	Less than 8 hrs, 9%;	Less than 8 hrs, 2%;	Less than 8 hrs, 7%;
		8-12 hrs, 73%;	8-12 hrs, 66%;	8-12 hrs, 71%;	8-12 hrs, 64%;	8-12 hrs, 69%;		8-12 hrs, 89%;	8-12 hrs, 91%;	8-12 hrs, 91%;	8-12 hrs, 86%;	8-12 hrs, 87%;
		12+ hrs, 15%	12+ hrs, 19%	12+ hrs, 14%	12+ hrs, 16%	12+ hrs, 14%	12+ hrs, 8%	12+ hrs, 7%	12+ hrs, 0%	12+ hrs, 12%	12+ hrs, 6%	
Open and Accessible	Was the rail yard access secure today?	No, 92%	No, 94%	No, 93%	No, 90%	No, 93%	Did you observe and/or report trespassers in a rail yard or along the right-of-way?	Yes, 30%	Yes, 30%	Yes, 33%	Yes, 37%	Yes, 36%
	Was equipment access secure today?	No, 86%	No, 88%	No, 76%	No, 79%	No, 90%	Did you notice any running locomotives or trains left unattended in a yard, siding or along the right-of-way today?	Yes, 45%	Yes, 40%	Yes, 35%	Yes, 33%	Yes, 48%
	Did you see any trespassers in the yard today?	Yes, 19%	Yes, 28%	Yes, 26%	Yes, 25%	Yes, 26%						
	Was your train or equipment delayed or left unattended for an extended period of time prior to or during your tour of duty?	Yes, 60%	Yes, 58%	Yes, 51%	Yes, 53%	Yes, 52%						
	If yes, were there hazardous materials on board?	Yes, 57%	Yes, 54%	Yes, 62%	Yes, 49%	Yes, 51%						
	Did you notice other trains or equipment left unattended in yard sidings or along the right-of-way?	Yes, 82%	Yes, 72%	Yes, 64%	Yes, 71%	Yes, 77%						



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Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Safe Rails / Secure America 2 *continued*

Grey: Best Performer(s) Based on Worker Responses

Red: Worst Performer(s) Based on Worker Responses

		BLET					BMWED					
	Question	BNSF	CSX	KCS	NS	UP	Question	BNSF	CSX	KCS	NS	UP
Open and Accessible <i>continued</i>	Can you secure the cab against unauthorized access while occupied?	No, 52%	No, 73%	No, 59%	No, 29%	No, 53%						
	Can you secure the cab against unauthorized access while unoccupied?	No, 92%	No, 95%	No, 77%	No, 15%	No, 87%						
	Have you reported security concerns to a railroad supervisor?	Yes, 37%	Yes, 40%	Yes, 26%	Yes, 46%	Yes, 38%						
	If yes, did you receive a follow-up to your report?	No, 84%	No, 88%	No, 100%	No, 84%	No, 87%						
Rail Police? What Rail Police?	Was there a visible rail police presence in the yard today?	No, 92%	No, 96%	No, 88%	No, 90%	No, 95%	Was today a heightened terrorist alert day?	Did not know, 55%; Yes, 2%	Did not know, 35%; Yes, 7%	Did not know, 42%; Yes, 4%	Did not know, 46%; Yes, 2%	Did not know, 47%; Yes, 7%
	Was today a heightened terrorist alert day?	Did not know, 55%; Yes, 19%	Did not know, 63%; Yes, 3%	Did not know, 51%; Yes, 2%	Did not know, 65%; Yes, 1%	Did not know, 53%; Yes, 10%	If yes, were there additional security personnel on duty in the yard or right-of-way?	No, 80%	No, 83%	No, 100%	No, 100%	No, 90%
	If yes, were there additional security personnel on duty in the yard or on locomotive?	No, 97%	No, 100%	No, 100%	No, 100%	No, 98%						
Critical Infrastructure						Has your railroad increased the frequency of inspections at critical infrastructure points (i.e. tracks, bridges, tunnels, diamonds) designed to detect and prevent acts of terrorists?	Did not know, 57%; No, 35%	Did not know, 54%; No, 30%	Did not know, 44%; No, 44%	Did not know, 48%; No, 43%	Did not know, 60%; No, 31%	



Safe Rails / Secure America 2 continued

Grey: Best Performer(s) Based on Worker Responses

Red: Worst Performer(s) Based on Worker Responses

		BLET					BMWED						
		Question	BNSF	CSX	KCS	NS	UP	Question	BNSF	CSX	KCS	NS	UP
Critical Infrastructure								Have special security measures been instituted at movable railroad bridges on your territory to protect against unauthorized entry or operations?	Did not know, 57%; No, 35%	Did not know, 54%; No, 30%	Did not know, 44%; No, 44%	Did not know, 48%; No, 43%	Did not know, 60%; No, 31%
								Do bridge tenders on movable bridges have a distress signal to alert authorities of security threats?	Did not know, 90%; No, 7%	Did not know, 87%; No, 8%	Did not know, 65%; No, 26%	Did not know, 88%; No, 10%	Did not know, 86%; No, 11%
								Have track and bridge inspectors received security-related training on the inspection of critical infrastructure along the right-of-way?	Did not know, 69%; No, 23%	Did not know, 65%; No, 14%	Did not know, 74%; No, 17%	Did not know, 67%; No, 23%	Did not know, 78%; No, 12%
								Are you "qualified" under the railroad operating rules (Book of Rules)?	Yes, 99%	Yes, 97%	Yes, 100%	Yes, 96%	Yes, 95%
								Are you "qualified" to inspect track under FRA Track Safety Standards?	Yes, 74%	Yes, 71%	Yes, 75%	Yes, 76%	Yes, 69%
Minimal Training	Have you received any, or additional, training related to terrorism prevention and response in the last 12 months?	No, 72%	No, 50%	No, 71%	No, 76%	No, 74%	Have you received any, or additional, training related to terrorism prevention and response in the past 12 months?	No, 88%	No, 34%	No, 71%	No, 77%	No, 87%	



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Four Years Later Workers Continue to Warn of Security Gaps on Nation's Railroads

Safe Rails / Secure America 2 *continued*

Grey: Best Performer(s) Based on Worker Responses

Red: Worst Performer(s) Based on Worker Responses

	BLET					BMWED						
	Question	BNSF	CSX	KCS	NS	UP	Question	BNSF	CSX	KCS	NS	UP
Minimal Training <i>continued</i>	If yes, do you feel it was adequate?	No, 73%	No, 72%	No, 46%	No, 71%	No, 69%	Have you been trained by the railroad in the Department of Transportation's hazardous materials placard system?	No, 39%	No, 14%	No, 4%	No, 41%	No, 23%
	Have you received specific training related to the monitoring of nuclear waste shipments?	No, 97%	No, 93%	No, 98%	No, 94%	No, 94%	Have you been trained regarding your role in the railroad's Emergency Action Plan or Emergency Response Plan?	No, 70%	No, 23%	No, 57%	No, 53%	No, 23%
Remote Control—No "Eyes and Ears"	Was switching of rail equipment performed by remote control locomotives in the yard today?	Yes, 76%	Yes, 76%	Yes, 68%	Yes, 46%	Yes, 76%	Were Remote Control Operations (RCOs) used on locomotives where you worked today?	Yes, 27%	Yes, 27%	Yes, 18%	Yes, 18%	Yes, 27%
	If yes, were those cars carrying hazardous materials?	Yes, 91%	Yes, 96%	Yes, 77%	Yes, 87%	Yes, 92%						
	Were remote control devices kept in a secure area today?	No, 48%	No, 49%	No, 46%	No, 52%	No, 49%						
Hazardous Materials: The Crux of the Matter	Is rail yard in close proximity to schools, government buildings, densely populated areas or other likely terrorist targets?	Yes, 77%	Yes, 84%	Yes, 70%	Yes, 79%	Yes, 78%	Did trains carrying hazardous materials pass your work area today?	Yes, 53%	Yes, 66%	Yes, 58%	Yes, 61%	Yes, 52%



Appendix II

Burlington Northern Santa Fe's Rail Security Disclosures in 2008 Corporate Citizenship Report:

Railroad Security

We joined with other railroads through the Association of American Railroads (AAR) to develop a comprehensive risk analysis and security management plan for all U.S. railroads (known as the Security Plan). In addition, we have developed our own Security Management Plan that applies these security strategies to our network.

This national Security Plan calls for subject matter experts within and outside the rail industry to address train operations, communication and cyber-security; to identify and protect critical assets; to examine transportation of hazardous materials; and to provide a military liaison. The Security Plan developed by these teams includes a database of critical rail assets, assessments of rail vulnerabilities, analysis of the terrorist threat, calculations of risk, identifications of countermeasures to reduce risk, definitions of alert levels and a list of countermeasures for each alert level. The plan also outlines the functions of the AAR Operations Center and the Railway Alert Network.

The Security Plan continues to evolve and improve, and it provides the framework for all BNSF security activities. Federal laws and regulations, as well as general security concerns, prevent disclosing the complete contents of the national plan, as well as BNSF's own Security Management Plan. But the following is a general overview of some of our key security activities:

Securing critical infrastructure:

We have analyzed and identified specific vulnerabilities on our system. As a result of these assessments, we've taken steps to secure critical assets. Wherever possible, we remediate virtual or physical vulnerabilities in these critical assets.

Assessing High Threat Urban Areas:

We are in the process of assessing High Threat Urban Areas (HTUA) Rail Corridors across our system, focusing especially on vulnerabilities in rail facilities in highly populated areas where hazardous materials are moved. We conduct these assessments with experts from the Transportation Security Administration (TSA), the FRA and other federal, state and local homeland security of-

ficials. These assessments also help the Departments of Homeland Security (DHS) and Transportation (DOT) to identify critical control points and determine site-specific mitigation strategies. Our HTUA mitigation and security plans are approved by TSA.

Communicating with government agencies:

We communicate with DHS, TSA, FRA and other federal and state agencies on security matters. We are also represented on the National Joint Terrorism Task Force (NJTTF). Operating out of the Federal Bureau of Investigation's Strategic Information and Operations Center, NJTTF brings together law enforcement, intelligence, defense, public safety and homeland security and allows for timely analysis and efficient delivery of security information and intelligence, as appropriate.

Participating in C-TPAT and other security initiatives:

We are a member of the Customs-Trade Partnership Against Terrorism (C-TPAT), a joint government-business initiative that builds relationships to improve supply chain and border security. Through C-TPAT, we work with customers and U.S. Customs on security measures for the supply chain. Other security enhancements include a Department of Defense-certified Operations Center, which monitors and evaluates intelligence on potential threats and communicates with other railroads through the Railway Alert Network. In addition, our Surface Transportation Information Sharing and Analysis Center operates at the "top secret" level to collect, analyze and communicate information on both physical and cyber-security threats.

Monitoring contractors:

The E-RailSafe program provides background checks for contractors working on railroad property as well as security awareness training. An identification card program helps prevent illegal or terrorist activity on rail property or facilities.

Special company programs:

Our Resource Protection Solutions Team develops and administers homeland security efforts at BNSF and monitors our compliance with government rules, regula-



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tions, programs and recommended actions related to rail security. These Resource Protection programs include:

- **BNSF On-Guard** – This program promotes employee awareness and encourages the reporting of security violations, trespassing and crimes on rail property. It also provides alert employees and contractors with company-wide recognition for their individual efforts. In 2008, BNSF recognized 116 employees for their efforts to report security violations.
- **Citizens for Rail Security (CRS)** – Unique to BNSF, CRS encourages members of the community to identify and report suspicious behavior and leverages public law enforcement assets. More than 8,500 citizens and 342 partner law enforcement agencies participate in the program.
- **Trespasser abatement program** – This program coordinates efforts of local communities, the media, BNSF operations and our Resource Protection Solutions Team to combat trespassing.
- **Employee training** – We require employees to take a mandatory security awareness computer training module, “Securing America’s Railroads.” This training increases employee awareness and understanding of security risks such as espionage, sabotage, attacks

and other criminal and security-sensitive behaviors. It also stresses the importance of recognizing and reporting suspicious individuals or activities.

- **Security Alert System** – In conjunction with the AAR, we have implemented a Security Alert System modeled after the federal government’s terror alert system that warns employees of the severity of a terrorist threat to our transportation network. At higher threat levels, employees are given additional security instructions.

Crisis management planning:

The backbone of our response program is our Crisis Management System (CMS), which contains our Security Management Plan. Individuals representing numerous parts of the company are responsible for executing the plan. Specific countermeasures reflect threat levels and geographic or asset categories. This system documents the status, time, date and executor of each countermeasure to ensure an appropriate audit trail.

In a Corporate Security Review of BNSF’s Security Management Plan, TSA noted “BNSF’s strong outreach to railroad employees, state and local communities, and interested rail stakeholders to be the eyes and ears on its networks.”

—from BNSF’s 2008 Corporate Citizenship Report, available at: <http://www.bnsf.com/investors/ccr/ccr.pdf>

Appendix III

CSX’s Rail Security Disclosures on Company Website:

CSX’s Rail Security - Public Private Partnership (RS-P3)

CSX maintains a steadfast commitment to the safety and security of our network and the communities where we operate. As part of this effort, CSX has established several public-private partnerships to provide state homeland security officials information they can use to protect the communities they serve.

CSX has pilot partnerships with the states of New York, New Jersey, Kentucky, Maryland, Indiana, Ohio and Georgia, and with the American Chemistry Council’s Chemtrec call response center, and the Transportation Security Administration. These partnerships formalize

and enhance our commitment to these states to share information, resources and strategies in order to better protect the communities in which we operate.

We hope that these partnerships -- the first of their kind in the rail industry -- serve as a model that can be replicated in other areas. The elements of RS-P3 include:

- **CSX’s SecureNOW System:** A cornerstone of this partnership is CSX’s sharing of its highly-specialized secure train and rail car monitoring system. Highlights of the SecureNOW System include:



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- **Enhanced Monitoring:** Provides state homeland security and law enforcement officials with a tool to identify the status of CSX trains and rail cars in their state. Before, officials had to call CSX to access this information.
- **Information Sharing:** Helps security officials prepare for and, if needed, respond to emergency situations.
- **Targeted Security:** With additional information about what is carried on rails, state officials can more efficiently allocate law enforcement resources, coordinate with CSX security officials, and integrate rail security into on-going law enforcement operations.
- **Joint law enforcement and emergency responder training:** Law enforcement officials train with the CSX Police Rapid Response Team -- a group of highly-skilled police officers specifically trained to respond to security incidents. Additionally, state and community emergency first responders train alongside CSX's experts in hazardous materials and emergency response.
- **Sharing of hazardous materials density studies:** This data helps emergency response organizations plan their resources and identify the types of emergency response training applicable to their jurisdiction.
- **Closer coordination of law enforcement operations in and around CSX yards:** CSX can provide its partners with around-the-clock access to its rail security professionals.
- **Developing better rail security policies:** States and CSX continue to work with policymakers to identify important public policy issues that can impact and improve rail security.

— available as of September 4, 2009 on CSX's website in the section Safety Is A Way Of Life, <http://www.csx.com/?fuseaction=about.safety>

Appendix IV

Kansas City Southern's Rail Security Disclosures in 2009 Form 10-K Filing:

Rail Security

The Company and its rail subsidiaries have made a concentrated, multi-disciplinary effort since the terrorist attacks on the United States on September 11, 2001, to continue securing the Company's assets and personnel against the risk of terrorism and other homeland security incidents. Many of the specific measures the Company utilizes for these efforts are required to be kept confidential through arrangements with government agencies, such as the Department of Homeland Security ("DHS"), or through jointly-developed and implemented strategies and plans with connecting carriers. To protect the confidentiality and sensitivity of the efforts the Company has made to safeguard against terrorism and other security incidents, the following paragraphs will provide only a general overview of some of these efforts. KCSR utilizes a security plan based on an industry-wide security plan developed by Association of American Railroads ("AAR") members which focuses on comprehensive risk assessments in five areas — hazardous materials; train opera-

tions; critical physical assets; military traffic; and information technology and communications. The security plan is kept confidential, with access to the plan tightly limited to members of management with direct security and anti-terrorism implementation responsibilities. KCSR participates with other AAR members in periodic drills under the industry plan to test and refine its various provisions.

KCSR's security activities range from periodically mailing each employee a security awareness brochure (which is also posted under the "Employees" tab on the Company's internet website, www.kcsouthern.com) to its ongoing development and implementation of security plans for rail facilities in areas labeled by the DHS as High Threat Urban Areas ("HTUAs"). KCSR's other activities to bolster security against terrorism include, but are not limited to, the following:

- Confering regularly with other railroads' security personnel and with industry experts on security issues;



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- Analyzing routing alternatives and other strategies to reduce the distances that certain chemicals which might be toxic if inhaled are transported;
- Initiating a series of over 20 voluntary action items agreed to between AAR and DHS as enhancing security in the rail industry; and
- Including periodic security training as part of the scheduled training for operating employees and managers.

In addition, in 2008 the Company created a new leadership role titled “Director of Homeland Security” to oversee the ongoing and increasingly complex security efforts of the Company in both the United States and Mexico. The Company identified and retained an individual to fill the position who has an extensive law

enforcement background, including being formerly employed as an analyst with the Federal Bureau of Investigation (“FBI”) for 12 years. This member of management remains a member of the FBI’s Joint Terrorism Task Force and is a valuable asset to the Company in implementing and developing anti-terrorism and other security initiatives.

During 2008, KCSR worked toward implementation of DHS’s Transport Worker Identification Card program for those employees requiring unescorted access to secure areas of port facilities, and toward implementation of a contractor background check program for contractor employees having access to certain Company facilities. KCS expects this program to be fully implemented during 2009.

—from Kansas City Southern’s 2009 Form 10-K Filing, available at:
<http://www.sec.gov/Archives/edgar/data/54480/000095015209001413/c48789e10vk.htm>

Appendix V

Norfolk Southern’s Rail Security Disclosures in 2009 Form 10-K Filing:

Security of Operations

NS has taken significant steps to provide enhanced security for the NS rail system. In particular, NS has developed and implemented a comprehensive security plan that is modeled on and was developed in conjunction with the security plan prepared by the Association of American Railroads (AAR) post September 11, 2001. The AAR Security Plan defines four Alert Levels and details the actions and countermeasures that are being applied across the railroad industry as the terrorist threat increases or decreases. The Alert Level actions include countermeasures that will be applied in three general areas: (1) operations (including transportation, engineering, and mechanical); (2) information technology and communications; and (3) railroad police. Although security concerns preclude public disclosure of its contents, the NS Departmental Security Plan outlines the protocol within NS for all concerned to be notified of AAR Alert Level changes. All NS Operations Division employees are advised by their supervisors or train dispatchers, as appropriate, of any change in Alert Level and any additional responsibilities they may incur due to such change.

The NS plan also effectively addresses and complies with Department of Transportation security regulations

pertaining to training and security plans with respect to the transportation of hazardous materials. As part of the plan, security awareness training is given to all railroad employees who directly affect hazardous material transportation safety, and this training is integrated into recurring hazardous material training and re-certification programs. Toward that end, NS, working closely with the National Transit Institute at Rutgers University, has developed a four-module uniform national training program. NS also has worked with the Transportation Security Administration (TSA) in developing other industry training programs. More in-depth security training has been given to those select NS employees who have been given specific security responsibilities, and additional, location-specific security plans have been developed for certain metropolitan areas and each of six port facilities served by NS. With respect to the ports, each facility plan has been approved by the applicable Captain of the Port and subject to inspection by the U.S. Coast Guard.

Additionally, NS engages in close and regular coordination with numerous federal and state agencies, including the U.S. Department of Homeland Security (DHS), the TSA, the Federal Bureau of Investigation (FBI), the Federal Railroad Administration (FRA), the U.S. Coast



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Guard, U.S. Customs and Border Protection, and various state Homeland Security offices. As one notable example, an NS Police Special Agent, under the auspices of the AAR, has been assigned to the National Joint Terrorism Task Force (NJTTF) operating out of FBI Headquarters in Washington, D.C. to represent and serve as liaison to the North American rail industry. This arrangement improves logistical flow of vital security and law enforcement information with respect to the rail industry as a whole, while having the post filled by an NS Special Agent has served to foster a strong working relationship between NS and the FBI. NS also has become a member of the Customs-Trade Partnership Against Terrorism (C-TPAT) program sponsored by U.S. Customs. C-TPAT allows NS to work closely with U.S. Customs and its customers to develop measures that will help ensure the integrity of freight shipments moving on NS, particularly those moving to or from a foreign country. Based on participation in C-TPAT, NS has ensured that its plan meets all current applicable security recommendations made by U.S. Customs.

Similarly, NS is guided in its operations by various supplemental security action items issued by DHS and U.S. Department of Transportation (DOT), U.S. Coast Guard Maritime Security requirements, as well as voluntary security action items developed in 2006 in collaboration with TSA, DOT, and the freight railroads. Many of the action items are based on lessons learned from DHS and DOT security assessments of rail corridors in High Threat Urban Areas (HTUA) begun in 2004. Particular attention is paid to: (1) the establishment of secure storage areas for rail cars carrying toxic-by-inhalation (TIH) materials; (2) the expedited movement of trains transporting rail cars carrying TIH materials; (3) the minimization of unattended loaded tank cars carrying TIH materials; and (4) cooperation with federal, state, local and tribal governments to identify, through risk assessments, those locations where security risks are the highest. These action items and NS' compliance initiatives are outlined in the various departmental sections of the NS Departmental Security Plan. NS is also taking the

appropriate actions to ensure compliance with the 2008 TSA Final Rule addressing Rail Security Sensitive Materials, and the 2008 Pipeline and Hazardous Materials Safety Administration (PHMSA) rail-routing regulations outlined in Docket HM-232E.

In 2008, through participation in the Transportation Community Awareness and Emergency Response (TRANSCAER) Program, NS provided rail accident response training to approximately 4,300 emergency responders, such as local police and fire personnel, representing over 25,000 man-hours of emergency response training. NS also conducted railroad operations classes for FBI agents and the railroad liaison agents from Joint Terrorism Task Forces. NS' other training efforts throughout 2008 included participation in 15 drills including 2 major full-scale exercises with various local, state, and federal agencies conducted in accordance with the DHS Exercise and Evaluation Program. NS also has ongoing programs to sponsor local emergency responders at tank car emergency response training programs conducted at the AAR Transportation Technology Center in Pueblo, Colorado. Also, the NS annual TRANSCAER Whistle-Stop train makes stops in numerous cities, its special training cars serving as a resource to an audience of nearly 1,000 emergency responders annually. Improvements in equipment design also are expected to play a role in enhancing rail security. The Pipeline and Hazardous Materials Safety Administration (PHMSA), in coordination with the FRA, is amending the Hazardous Materials Regulations to prescribe enhanced safety measures for rail transportation of TIH materials, including interim design standards for railroad tank cars. The rule mandates commodity-specific improvements in safety features and design standards for newly manufactured DOT specification tank cars and an improved top fittings performance standard. The interim standards established in this rule will enhance the accident survivability of TIH tank cars.

—from Norfolk Southern's 2009 Form 10-K Filing, available at: <http://www.sec.gov/Archives/edgar/data/702165/000070216509000050/nsc10k08s.htm>

Appendix VI

Union Pacific's Rail Security Disclosures in 2009 Form 10-K Filing:

Railroad Security

Operating a safe and secure railroad is first among our

critical priorities and is a primary responsibility of all our employees. This emphasis helps us protect the public



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and our employees, our customers, and our operations and rail network. Our security efforts rely upon a wide variety of measures including employee training, cooperation with our customers, training of emergency responders, and partnerships with numerous federal, state, and local government agencies. While federal law requires us to protect the confidentiality of our security plans designed to safeguard against terrorism and other security incidents, the following provides a general overview of our security initiatives.

UPRR Security Measures

We maintain a comprehensive security plan designed to deter and to respond to any potential or actual threats as they arise. The plan includes four levels of alert status, each with its own set of countermeasures. We employ our own police force, consisting of more than 220 commissioned and highly-trained officers. Our employees also undergo recurrent security and preparedness training, as well as federally-mandated hazardous materials and security training. We regularly review the sufficiency of our employee training programs for ways to increase preparedness and to improve security.

We have an emergency response management center, which operates 24 hours a day. The center receives reports of emergencies, dangerous or potentially dangerous conditions, and other safety and security issues from our employees, the public, and law enforcement and other government officials. In cooperation with government officials, we monitor both threats and public events, and as necessary, we may alter rail traffic flow near high-risk areas to minimize risk to communities we serve and our operations. We comply with the hazardous materials routing rules and other requirements imposed by federal law. We also design our operating plan to expedite the movement of hazardous material shipments to minimize the time rail cars remain idle at yards and terminals located in or near major population centers. Additionally, we are prepared to comply with new Transportation Security Agency (TSA) regulations governing tracking and the chain of custody for Rail Security-Sensitive Material Shipments, including toxic inhalation hazard materials, which will take effect on April 1, 2009.

We also have established a number of our own innovative safety and security-oriented initiatives ranging from various investments in technology to the Officer on the Train program, which provides local law enforcement officers with the opportunity to ride with train

crews to enhance their understanding of railroad operations and risks.

Cooperation with Federal, State, and Local Government Agencies
We work closely with government agencies ranging from the DOT and the Department of Homeland Security (DHS), to local police departments, fire departments, and other first responders. In conjunction with the DOT, DHS, and other railroads, we sponsor Operation Respond, which provides first responders with secure links to electronic railroad resources, including mapping systems, shipment records, and other essential information required by emergency personnel to respond to accidents and other situations. We also participate in the National Joint Terrorism Task Force, a multi-agency effort established by the Justice Department and the Federal Bureau of Investigation to combat and prevent terrorism.

We work with the Coast Guard, U.S. Customs and Border Protection (CBP, formerly the U.S. Customs Service), and the Military Transport Management Command to monitor shipments entering the UPRR rail network at U.S. border crossings and ports. We were the first railroad in the United States to be named a partner in CBP's Customs-Trade Partnership Against Terrorism (C-TPAT), a partnership designed to develop, enhance, and maintain effective security processes throughout the global supply chain.

Cooperation with Customers and Trade Associations
Along with other railroads, we work with the American Chemistry Council to train more than 200,000 emergency responders each year. We work closely with our chemical shippers to establish plant security plans, and continue to take steps to more closely monitor and track hazardous materials shipments. In cooperation with the Federal Railroad Administration (FRA) and other railroads, we are also working to develop an improved tank car design that will further limit the risk of releases of hazardous materials.

—from Union Pacific's 2009 Form 10-K Filing, available at: <http://www.sec.gov/Archives/edgar/data/100885/000119312509021370/d10k.htm>



Footnotes

- ¹ *High Alert: Workers Warn of Security Gaps on Nation's Railroads*, International Brotherhood of Teamsters, September 2005 available at: www.teamster.org/sites/teamsters.prometheuslabor.com/files/highalertreport.pdf.
- ² *Freight Rail Security: Actions Have Been Taken to Enhance Security, but the Federal Strategy Can Be Strengthened and Security Efforts Better Monitored* (GAO-09-243), United States Government Accountability Office (GAO) report, April 2009 available at: www.gao.gov/new.items/d09243.pdf; and, Association of American Railroads Written Testimony before the Surface Transportation Board, STB Ex Parte No. 677 (Sub-No.1)—Common Carrier Obligation of Railroads—Transportation of Hazardous Materials, July 10, 2008 available at: www.aar.org/~media/AAR/Testimony/Written/080722_STB_ERH_CommonCar_test.ashx
- ³ *Freight Rail Security*, GAO, April 2009.
- ⁴ Association of American Railroads (AAR), Hazmat: Frequently Asked Questions, available at: www.aar.org/Safety/HazmatTransport/HAZMATQandA.aspx, and Security Plan, available at: www.aar.org/Safety/RailSecurity/SecurityPlan.aspx
- ⁵ AAR, Hazmat: Frequently Asked Questions
- ⁶ *Ibid.*
- ⁷ *Freight Rail Security*, GAO, April 2009.
- ⁸ *Ibid.*
- ⁹ *Ibid.* The report explains that “While the majority of actions taken to secure freight rail have been taken on a voluntary basis, new TSA, PHMSA, and FRA regulations and the 9/11 Commission Act herald a new approach that sets forth mandatory requirements. . . .”
- ¹⁰ “GAO: TSA Risk Assessments Lacking,” Press Release, U.S. House of Representatives’ Homeland Security Committee, April 22, 2009 available at: <http://hsc-democrats.house.gov/issues/index.asp?ID=446&SubSection=0&Issue=1&DocumentType=0&PublishDate=0&issue=1>
- ¹¹ *High Alert*, International Brotherhood of Teamsters, September 2005.
- ¹² “GAO: TSA Risk Assessments Lacking,” U.S. House of Representatives’ Homeland Security Committee, April 22, 2009.
- ¹³ *Freight Rail Security*, GAO, April 2009.
- ¹⁴ *Freight Rail Security*, GAO, April 2009. AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ¹⁵ AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ Federal Bureau of Investigation, Press Release, October 24, 2002 available at: <http://www.fbi.gov/pressrel/pressrel02/nlets102402.htm>
- ²⁰ Caldwell, Dave “Engines put in path of train carrying hazardous materials,” *Minot Daily News*, May 7, 2009.
- ²¹ “Engines put in path of train carrying hazardous materials,” *Minot Daily News*.
- ²² Samuels, Robert “Train thief took a 120-ton joy ride,” *The Miami Herald*, March 14, 2009.
- ²³ “Train thief took a 120-ton joy ride,” *The Miami Herald*.
- ²⁴ “Foul Play Suspected in Railroad Spikes’ Removal in Chicago,” *The New York Times*, September 28, 2007.
- ²⁵ *Ibid.*
- ²⁶ AAR, “Security Plan,” available at: <http://dev.aar.org/AAR/IndustryInformation/RailSecurity/SecurityPlan.aspx>
- ²⁷ Burlington Northern Santa Fe Corporation, “Security Commitment,” available at: <http://www.bnsf.com/communities/security/index.html>
- ²⁸ American Public Transportation Association, Summary of H.R. 2095—The Rail Safety Improvement Act of 2008, available at: http://www.apta.com/government_affairs/congress/rail_safety_improvement_act.cfm
- ²⁹ KXAS-TV News, Dallas, Texas, segment aired May 31, 2006.
- ³⁰ Local 12/WKRC-TV News, Cincinnati, Ohio, segment aired May 15, 2006.
- ³¹ KGPE-TV News, Fresno, California, segment aired April 28, 2006.
- ³² *Freight Rail Security*, GAO, April 2009.
- ³³ “Freight Rail Division Eyes Security on 140,000 Miles of Track,” TSA, August 22, 2007. available at: http://www.tsa.gov/press/happenings/freight_rail.shtm
- ³⁴ *Freight Rail Security*, GAO, April 2009.
- ³⁵ *Ibid.*



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- ³⁶ AAR, "Security Presentation," available at: <http://www.aar.org/~media/AAR/PositionPapers/Security.ashx>
- ³⁷ AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ³⁸ AAR, "Hazmat: Frequently Asked Questions," available at: <http://www.aar.org/InCongress/HazmatTransport/HAZMATQandA.aspx>; and AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ³⁹ *Freight Rail Security*, GAO, April 2009.
- ⁴⁰ *Ibid.*
- ⁴¹ *Ibid.*
- ⁴² *Ibid.*
- ⁴³ *Ibid.*
- ⁴⁴ AAR, Hazmat: Frequently Asked Questions
- ⁴⁵ *Ibid.*
- ⁴⁶ National Labor College for Union Communities, Rail Workers Hazardous Materials Training Program, available at: <http://www.georgemeany.org/educationalPrograms/HAZMAT.html>
- ⁴⁷ "National Labor College Professors Author Report On Rail Safety," Press Release, National Labor College for Union Communities, November 16, 2006.
- ⁴⁸ AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ⁴⁹ "Night of Terror: The story of Bhopal, 20 years on," BBC News, February 5, 2008. available at: <http://news.bbc.co.uk/2/hi/programmes/bhopal/default.stm>
- ⁵⁰ AAR, Written Testimony before the Surface Transportation Board, July 10, 2008.
- ⁵¹ FBI, Press Release, October 24, 2002.
- ⁵² KGPE-TV News, Fresno, California, segment aired April 28, 2006.
- ⁵³ Burlington Northern Santa Fe Corporate Citizenship Report, April 2009. available at: <http://www.bnsf.com/investors/ccr/ccr.pdf>
- ⁵⁴ *Ibid.*
- ⁵⁵ Burlington Northern Santa Fe, "On Guard Program," available at: <http://www.bnsf.com/communities/security/onguard.html>
- ⁵⁶ Burlington Northern Santa Fe Corporate Citizenship Report, April 2009.
- ⁵⁷ *Ibid.*
- ⁵⁸ This section is based on disclosures made on CSX's website as of September 4, 2009.
- ⁵⁹ CSX, "Safety Is A Way of Life," available at: <http://www.csx.com/?fuseaction=about.safety>
- ⁶⁰ Kansas City Southern's 2009 Form 10-K filed with the U.S. Securities and Exchange Commission, available at: <http://www.sec.gov/Archives/edgar/data/54480/000095015209001413/c48789e10vk.htm>
- ⁶¹ *Ibid.*
- ⁶² *Ibid.*
- ⁶³ *Ibid.*
- ⁶⁴ *Ibid.*
- ⁶⁵ Norfolk Southern Corporation's 2009 Form 10-K filed with the U.S. Securities and Exchange Commission, available at: <http://www.sec.gov/Archives/edgar/data/702165/000070216509000050/nsc10k08s.htm>
- ⁶⁶ *Ibid.*
- ⁶⁷ *Ibid.*
- ⁶⁸ *Ibid.*
- ⁶⁹ Union Pacific Corporation's Form 10-K filed with the U.S. Securities and Exchange Commission, available at: <http://www.sec.gov/Archives/edgar/data/100885/000119312509021370/d10k.htm>
- ⁷⁰ *Ibid.*
- ⁷¹ *Ibid.*
- ⁷² *Ibid.*

