



Fact Sheet

DHS ANNOUNCES SECURITY STANDARDS FOR FREIGHT AND PASSENGER RAIL SYSTEMS

New Regulations Will Ensure Better Tracking of Toxic Materials

BACKGROUND

The Transportation Security Administration's (TSA) freight rail security strategy is risk-based. Risk is determined through rail corridor assessments, corporate security reviews, intelligence analysis, and objectively measured risk metrics. Using these tools, TSA determined that a combination of negotiated guidelines and mandatory requirements was necessary to improve railroad security.

TSA issued a notice of proposed rulemaking (NPRM) in December 2006 to strengthen the security of the nation's freight and passenger rail systems and reduce the risk associated with the transportation of security-sensitive materials (SSM), such as poisonous by inhalation hazard (PIH) materials, certain explosive materials and certain high-level radioactive material shipments. The proposal required freight and passenger railroads to designate rail security coordinators and share information with DHS. It also proposed to codify TSA's inspection authority. The proposed rule was part of a package of new security measures that will require freight rail carriers to ensure the positive handoff of security-sensitive materials; establish security protocols for custody transfers of security-sensitive materials rail cars in high threat urban areas, and in certain circumstances outside of high threat urban areas.

OVERVIEW

The Rail Security final rule will enhance security of freight and passenger rail. With respect to freight rail, the rule addresses the transport of security-sensitive materials, including PIH materials, by rail, from start to finish, including predictable stopping points during shipment. PIH materials are potentially harmful and include essential chemicals like chlorine and anhydrous ammonia. PIH materials represent less than one percent of all hazardous materials rail shipments.

REGULATORY AUTHORITIES

The rule gives TSA new regulatory authorities in the following key areas:

- **Secure Chain of Custody:** Shippers will physically inspect security-sensitive materials rail cars prior to shipment. Freight railroad carriers will establish positive and secure handoff procedures for security-sensitive materials shipments at points of origin, delivery and interchange. The chain of custody requirement applies to the transportation of any PIH

material shipment, certain explosive materials, and certain high-level radioactive material shipments. It covers receivers in 46 key urban areas.

- **Communication:** The rule requires freight and passenger railroad carriers, rail transit systems, and certain rail hazardous materials facilities to designate a rail security coordinator (RSC). The RSC will serve as the liaison to DHS for intelligence information, security-related activities and ongoing communications with TSA.
- **Reporting Security Concerns:** The rule requires freight and passenger railroads to immediately report incidents, potential threats, and significant security concerns to TSA.
- **Location Tracking:** The rule requires freight railroad carriers and certain rail hazardous materials shippers and receivers, at the request of TSA, to report the location of individual rail cars containing security-sensitive materials cars within minutes, and the locations of all cars containing security-sensitive materials within 30 minutes.
- **Inspection Authority:** The rule codifies TSA's authority to inspect freight and passenger railroad carriers, rail transit systems, and certain facilities that ship or receive specified hazardous materials by rail.

THE CURRENT SYSTEM

Many freight rail carriers have already implemented several key security action items. These include tracking and aggressively reducing the dwell time for unattended rail cars transporting PIH materials in high threat urban areas. Dwell time is the length of time that a loaded railcar is within the boundaries of one or more high threat urban areas. And as a result, the overall risk associated with these shipments has been reduced by over 60 percent, well above the target reduction of 50 percent. In addition, the industry is working with TSA to create a tracking system that will allow the federal government to determine within minutes the location of rail cars carrying PIH materials.

PROGRAM BENEFITS

The rail security rule will bring a higher degree of security for freight and passenger railroad transportation. Compliance with the rule, combined with voluntary initiatives already underway, will drive down risk and provide comprehensive coverage for this mode of transportation.

IMPLEMENTATION

The Rule is effective 30 days following publication in the Federal Register.