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BEFORE THE
HOUSE TRANSPORTATION SUB-COMMITTEE
ON RAIL SECURITY AND SAFETY

* * * * *

IN RE: HOUSE RESOLUTION 824

INFORMAL PUBLIC HEARING

* * * * *

BEFORE: THOMAS P. GANNON, Chair
James Wansacz, Member
Barbara Harr, Member
HEARING: Tuesday, August 8, 2006
10:15 a.m.
LOCATION: Delaware County Community College
Auditorium Room 2225
Media, PA
WITNESSES: James B. Jordan, Jeanne Neese, Ken Kertesz,
Randy Cheetham, Gabe Treesh

Reporter: Sharon M. Marsh

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A P P E A R A N C E S

CHRISTINE LINE, ESQUIRE
Professional Licensure Committee
House of Representatives of the Commonwealth of
Pennsylvania
House Box 202217
Main Capitol Building
Harrisburg, PA 17120-2217
Counsel for Commonwealth

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01 P R O C E E D I N G S

02 -----

03 CHAIR:

04 The Committee for an informal public
05 hearing on House Resolution 824 has come to order.
06 House Resolution 824 directs the legislator of Budget
07 Finance Committee to conduct a study and evaluate the
08 Commonwealth preparedness to meet the safety and
09 security to the public in the event of a natural or a
10 manmade disaster on our railways. Trains have become
11 an increasingly popular mode of transportation for
12 freight and chemicals as well as to residents of this
13 Commonwealth.

14 Before the existing rail system statewide
15 and the proposed regional rail communal lines as
16 slated to link Lancaster, Dauphin and Cumberland
17 Counties by the year --- or the end of the year 2009,
18 it is important to evaluate our preparedness to plan
19 for and respond to hazardous materials incidents,
20 natural disasters and possible terrorists attacks.
21 Current local, national and international headlines
22 convey the unfortunate reality that railroads continue
23 to fall through accidents as well as attack.

24 Within the Commonwealth, there have been
25 several unfortunate rail incidents. For example,

01 according to the Philadelphia Inquirer in July of
02 2006, a SEPTA passenger rail train suffered a head-on
03 collision with another train injuring 34 and sending
04 17 to the hospital. The Daily News reported that a
05 Delaware Township, Dauphin County freight train
06 derailment of hazardous chemicals occurred in June of
07 2006 where thankfully, no chemicals were released.

08 In January of 2006, Pittsburgh-based
09 WPXI, Channel 11, reported that East Deer Township,
10 Allegheny County, suffered a freight train derailment
11 where 8 of 13 derailed train cars were carrying
12 hazardous materials. In this incident, hydrogen
13 chloride was released into the Allegheny River, and
14 officials reported seeing a small cloud of hydrogen
15 chloride hovering above the cars.

16 Nationally, in July of 2006 in New York
17 State, Fox News reported that the FBI reported that an
18 Al-Qaeda terrorist planned to attack the underground
19 trains and system between New York City and New
20 Jersey, which is able to carry more than 215,000
21 commuters daily. Also in July of 2006, ABC News
22 reported that in Chicago, a passenger subway train
23 derailment and subsequent fire sent over 150
24 passengers to hospitals for treatment.

25 Internationally, the Canadian Press

01 reported that the Canadian National Railway Freight
02 Line suffered a derailment that killed two in January
03 of 2006. More recently, the International Herald
04 Tribune reported a July 2006 terrorist attack on a
05 commuter rail in Bombay, India resulted in seven
06 simultaneous explosions where 147 people were killed
07 and another 400 were injured. Further, in March of
08 2004, Fox News reported that Madrid, Spain suffered a
09 serious terrorist attack on its commuter trains at the
10 height of the rush hour. In that attack, ten
11 explosions detonated by cell phones killed 191
12 civilians and injured over 1,800.

13 These headlines show that unfortunately,
14 the threat is real. That is why we must explore
15 whether the General Assembly should ask the
16 Legislative Budget and Finance Committee to undertake
17 a study and evaluation of the Commonwealth's
18 preparedness to respond to similar events.

19 I would like to thank the witnesses for
20 agreeing to testify today on the merits of House
21 Resolution 824. And I emphasize that this hearing is
22 on the merits of House Resolution 824 and the scope of
23 the Legislative Budget and Finance Committee study. I
24 look forward to listening to the information you have
25 to offer. And I particularly want to thank SEPTA for

01 the opportunity to address the Committee on this
02 vitally important issue. As you well know, SEPTA is
03 one of the largest public transit agencies in the
04 country, both in terms of the geographic area we
05 serve, which is a 2,200 square mile area, and the
06 number of passengers we carry, which exceeds 300,000
07 million people annually. Even before September 11, 19
08 --- 2001, the safety and security of our passengers,
09 our riding public and our colleagues, our employees
10 was of chief concern. Since then, the world really
11 has changed for us.

12 And I have to say, tragically, we were
13 troubled by the attacks in Madrid, although we weren't
14 surprised, of course. For most of the last 100 years,
15 public transit has been an attractive target for
16 criminals or terrorists. Of course, there are a lot
17 of people concentrated in one place, whether it's on a
18 single bus or in a commuter tunnel at rush hour. It's
19 an attractive target for those looking to do death and
20 harm to people.

21 We have learned many --- and I would note
22 that in looking at the Resolution, the Resolution
23 embodies a lot of best practices in terms of what we
24 have learned in terms of preparedness and response.
25 We've learned to look at --- essentially at all

01 hazards now. As Katrina reminds us, nature can be
02 every bit as destructive as a human with evil
03 intentions. And very often our response will track.
04 It's very important that we work regionally, statewide
05 in our coordination, in our communication, because
06 whether it's the incident in July, which happened not
07 far from here where we saw extraordinary cooperation
08 from local, state and federal authorities assisting us
09 in responding to that, that kind of coordination is
10 key. I would note we do have excellent cooperative
11 relationships with PEMA, the Pennsylvania Emergency
12 Management Agency, with the State Department of
13 Homeland Security, as well as with the -- especially
14 with the Federal Bureau of Investigation and the
15 National Department of Homeland Security.

16 In assessing our safety and security
17 priorities, we've run up against the problem everybody
18 does. I've had the privilege of having meetings with
19 authorities in London and New York, elsewhere, and
20 they all face the same problem, public transit is
21 inherently so open. We do our best, not always as
22 well as we would like, but our best to make the system
23 attractive and easily accessible to the public. Which
24 means that for the price of a ticket, terrorists can
25 walk onto our system unscreened and unscreenable.

01 That in turn has led us in the direction, and when I
02 say us, transit security professionals throughout the
03 world to focus on a vulnerability assessment. We know
04 we cannot protect the entire 2,200 square mile area.
05 Among the lessons we have learned from the attacks in
06 Madrid and London are that the terrorists are most
07 likely to attack where the most people are
08 congregated, and that for us is during the peak rush
09 hours in the morning and the evening in our Center
10 City Tunnel area, which is essentially about a two-
11 mile area running just to the side of the 30th Street
12 Amtrak Station going underneath the City Hall and to
13 Market East and then to the Independence Mall area.
14 Anywhere in that area would be an attractive target
15 for a terrorist looking to do maximum damage and
16 destruction both to the transit system and to the
17 government and business and commerce out of the
18 region.

19 And in terms of natural events, because
20 evacuation from the tunnel is inherently risky and
21 more troublesome, whether it be flooding, power
22 outages, it does happen. That is the area we focus
23 our concern on, our police presence on. Not to the
24 exclusion of all else. But we see that as the area of
25 our greatest vulnerability. And as I say, it's no

01 accident that the attacks in Madrid and London were
02 located in densely populated areas underground during
03 rush hour periods.

04 Having said that, we certainly are happy
05 and eager to cooperate with this Committee in
06 providing further information. I think we will see
07 --- there is a lot of information out there. Both
08 passenger rail and the major freight companies have
09 focused on this issue for many years, worked closely
10 with the State Department of Transportation, the
11 Public Utility Commission, other agencies. We'll be
12 happy to meet with your staff to point them in the
13 right direction in terms of getting details. There is
14 a lot of information on our infrastructure. I think
15 on the one hand, we welcome every opportunity to
16 discuss this important issue and welcome the
17 opportunity to have fresh sets of eyes and ears to
18 look at it, because we don't pretend to have all of
19 the answers. We know that it's never adequate to say,
20 well, we're inherently so open that we can't protect
21 everything, so we'll just throw up our hands. It's
22 very valuable to us to participate in forums like
23 this. And to be honest, to be questioned, even to be
24 asked some uncomfortable questions, because at the end
25 of the day, our responsibility is to, as yours is, to

01 the people of this region and to provide them with a
02 safe trip and to get them to and from their houses.
03 And anything that helps us to do that better is a plus
04 to us. We'll be very happy to try to respond to any
05 questions now or in follow-up.

06 CHAIR:

07 Any questions? I talked a little bit
08 about this incident that occurred in July.

09 MR. JORDAN:

10 Yes.

11 CHAIR:

12 I'd like to get some idea, not so much as
13 to how the accident occurred, because we know it was
14 an accident or whatever. But how did SEPTA respond to
15 this and what did they have to do? Did you even have
16 anything in place with respect to if something like
17 this happened to address it or is this like somebody
18 gave you a phone call and you had to sit around and
19 say, what do we do next?

20 MR. JORDAN:

21 We do have an emergency response manual,
22 sir, a thick, big document that in turn references a
23 lot of standard operating procedures. As you can
24 appreciate, because the National Transportation Safety
25 Board has taken jurisdiction of that accident, we are

01 limited in what we're allowed to publicly comment on.

02 But in an incident like that, the first
03 --- first line of defense is to train the crew. We
04 have upgraded our radio communications, as you can
05 appreciate. Because we run trains over a wide area,
06 we want to make sure we have communications. And the
07 first --- first line of response in what happened
08 there was the engineer actually alerted us shortly
09 before the actual impact that she was not comfortable
10 with the configuration of the signals. We do have a
11 signal system. Because we are running on a system
12 that was built many decades ago, it is not as
13 state-of-the-art as it's going to be as we upgrade it.

14 Our first response was to our centralized
15 control center. Unfortunately, that was not in time
16 to prevent the collision. But it was in time to allow
17 one train to come to a stop and the crew to move away
18 from the front end, avoiding injury to themselves.
19 Because the other train was able to slow, what could
20 have been a truly tragic incident if both trains had
21 been moving at 15 miles an hour became one in which
22 while there were a couple of serious injuries, most of
23 the injuries were not serious.

24 Our control center immediately dispatched
25 both police --- our police notified the local police

01 and first responders. They, in turn, notified area
02 hospitals and dispatched our infrastructure crews to
03 assess the damage and to begin --- once those people
04 were safely evacuated and taken to hospitals,
05 immediately to get the --- there was a derailment ---
06 to get the train far --- remove it to make sure that
07 there was no danger. Because that's in an area where
08 there were residences right abutting the tracks. We
09 wanted to make sure there was no threat to anybody's
10 house or property.

11 I am also pleased to advise you that we
12 had extraordinary cooperation from just the nicest
13 people in the world, making their backyards available
14 to our crews to take a break, to get a drink of water.

15 That model is the basic model for any
16 type of reaction to any incident. We rely on our
17 operating personnel to report any problem, any
18 suspicion of problem. And we follow a model used in
19 New York and elsewhere --- basically if you see it,
20 say it. If you see something you're not comfortable
21 with, you call it in. We will dispatch people to
22 handle it. We have, in our police department,
23 specially trained, special operations response team
24 that has received extensive training in explosives and
25 terrorism. It's basically detection in dealing with

01 hazardous materials and dealing with chemical or
02 biological agents. They are on duty 24 hours a day
03 and able to respond. And we have excellent
04 cooperation from law enforcement agencies throughout
05 the region. I was going to say the Upper Darby Police
06 Department, which significantly assists us in
07 providing safety and security for the 69th Street
08 facilities.

09 So we have layers of resources we can and
10 do call on. At the end of the day, it all comes down
11 to that first radio call from the observant engineer
12 and certainly conductor, bus operator that is critical
13 in starting the response.

14 CHAIR:

15 Really, two questions. I'll ask them
16 both at the same time. The SEPTA Police, what police
17 powers do they have under current --- current law?

18 MR. JORDAN:

19 They have all of the powers of any other
20 certified police department in terms of arrest limited
21 to the scope of our transit operations. For example,
22 they do not have the authority to take police action
23 unrelated to the operations of SEPTA. But they
24 receive the same training. They all go through the
25 Philadelphia Police Academy. They're all certified by

01 the State as municipally certified officers. They
02 receive extensive training and annual recertification.
03 And as I say, in our special operations teams, they
04 receive extensive training from the FBI and the
05 Department of Defense. The other limitation under the
06 --- actually it's sort of an archaic name, but they're
07 called --- the legislation actually refers to railway
08 police. Railway police. The other important ---.

09 CHAIR:

10 Kind of like the Reading Railroad.

11 MR. JORDAN:

12 It goes back to those days when, I guess,
13 the job was to keep people from jumping on the freight
14 cars. The other important difference is under their
15 legislation. They do --- most departments do not have
16 a right to strike. They do have a right to binding
17 arbitration for their contract. Railway police have a
18 right to strike, but are not --- that provision that
19 applies to most municipal agencies doesn't apply to
20 them. I would also note that last year, we received
21 an accreditation from the Pennsylvania State Police
22 Chiefs Association. That's a rigorous program where
23 they send in auditors to review our procedures, our
24 policies. I think throughout the state there are only
25 24 police departments that have received that

01 accreditation. So it is a --- is a very highly
02 trained department. Because of the size, there are
03 250 officers --- historically the personnel levels
04 were established to focus on the subway systems in
05 Philadelphia. And that goes back to, I guess, the
06 1990s when the Philadelphia Police Department in a
07 personnel budget crisis pulled its officers from our
08 system, creating a free fire zone. So our Board
09 stepped in and strengthened the department. Those
10 personnel levels are really designed around that
11 system, but we do patrol and respond to incidents
12 throughout the five-county area. Obviously, it's not
13 always easy to. The further out something happens, it
14 takes a little longer to get there.

15 CHAIR:

16 Are the SEPTA Police authorized to
17 operate under plain clothes on the system?

18 MR. JORDAN:

19 Yes, sir.

20 CHAIR:

21 All right.

22 MR. JORDAN:

23 Now, again, post 9/11 and even more post
24 Madrid and London, we've put more emphasis on a
25 visible public presence. So we try --- we find people

01 feel safer when you see an officer in uniform. Most
02 especially an officer in uniform with a trained --- a
03 dog trained in explosion detection. But especially
04 where we see a pattern of problems of passenger
05 misconduct, whatever, we have detectives who work
06 undercover and with great success in stopping the
07 problem pretty quickly.

08 CHAIR:

09 Would it be fair to say that since 9/11,
10 as you point out, even since Madrid and London and
11 what happened in India, have you beefed up the
12 training and education of the, not only SEPTA Police,
13 but also other transit personnel to deal with
14 potential threats?

15 MR. JORDAN:

16 Yes, sir. Especially with new hires, the
17 training department has incorporated an awareness and
18 response component into that. I will tell you that's
19 an area I struggle with, as I think do others, because
20 it's not --- it's not clear to me, what's good
21 training. Like I say, what we say over and over is
22 don't leave bags unattended. If you see anybody or
23 anything that makes you uncomfortable, call it in.
24 The problem we run up against, I think is illustrated
25 by the --- especially the first attack in London,

01 there is a lot of literature out there saying we
02 should look for this, that, for somebody acting
03 nervous or somebody doing this or that or the other.
04 The murders who attacked London last year did not
05 follow any pattern that I ever read about in terms of
06 suspicious conduct. One of the most chilling
07 components of that investigation is in looking at the
08 surveillance cameras of those four young men coming
09 into the system and they looked like four --- looked
10 like what they were, four youths from middle class
11 backgrounds, no --- never on anybody's radar screen,
12 no type of criminal record, no type of, what you would
13 call, suspicion. That runs up against --- runs us up
14 against to do more training. What do we do? Because
15 we really want --- no matter what the situation, we
16 want them to call the control center and call the
17 police control center first. We talked to other
18 entities, both freight and public transit. People
19 have tried various ideas. And, again, one thing we
20 value about hearing and forums, such as this, is the
21 hope and the chance that somebody has come up with a
22 better idea than we have. But we don't have formal
23 programs, say, of --- we offer to meet with various
24 unions. We do provide information through --- we have
25 a Joint Health and Safety Committee on our bus and

01 subway side and a Rail Safety Committee on our
02 regional rail side. We try to brief union
03 representatives there. But we have not come up with a
04 good --- have not come up with what I would regard as
05 a truly satisfactory way to improve on safety. Don't
06 worry, you're not going to be criticized if it turns
07 out to be nothing. If you're not comfortable, call it
08 in, we'll respond. We'll assess it. And that has
09 worked well. Our people aren't hesitant to call. And
10 we certainly see a spike in those types of calls after
11 an incident like Madrid or London or India attack.

12 CHAIR:

13 I would think that the London situation
14 would probably be the closest similarity to our
15 transportation system here in the city, in the
16 Philadelphia East region. Can you --- did SEPTA learn
17 anything from the London --- how that whole situation
18 was handled that maybe would change or would ---
19 looking to change or remediate or improve?

20 MR. JORDAN:

21 I think unfortunately, we learned how
22 vulnerable we are as a result, especially of the
23 attacks by the IRA and related groups over a 15 to
24 20-year period. There's no police service in the
25 world with more experience in dealing with terrorist

01 attacks. There's no city in the free world with more
02 surveillance cameras than London. With all of that
03 training, experience and equipment, they could not
04 prevent the attack, especially the first attack that
05 killed many people and injured many more.

06 What it re-enforced for us is we are ---
07 we're doing the right things. Re-enforced the
08 importance of regional coordination and cooperation,
09 especially in saving lives. Their problem, like ours,
10 is tunnels are inherently difficult environments.
11 Radios are not meant to work in tunnels underneath ---
12 underground. It's difficult for rescue personnel to
13 get there, which is why we regularly train with first
14 responders throughout the region in teaching them how
15 to have emergency access to our vehicles. And when I
16 had the opportunity to meet with some of their
17 professionals this spring when I was over there, it
18 really confirmed for me that we, in this country, are
19 on the right track. At the end of the day, we do have
20 to rely upon the FBI and the Federal Intelligence
21 Agency's forewarning. In this country, we do have a
22 geographic advantage of being somewhat distant from
23 the breeding ground of terrorism. Countries in Europe
24 have roughly the equivalent problem of protecting. We
25 try to protect our border with New Jersey. You can't

01 do it. Spain cannot really protect its border with
02 Morocco in any meaningful way.

03 As I say that, I don't want to make that
04 sound pessimistic or that we're throwing our hands up.
05 But what we learned from the London event is the very
06 real threat, how difficult it is to prevent under any
07 circumstance, but that we're not aware of anybody out
08 there doing anything that we're not doing on some
09 level. We're using similar type of equipment to
10 detect explosives. We've significantly increased the
11 number of dogs trained in bomb detection. We've tried
12 to increase our uniform presence on the system. We're
13 increasing the number of cameras we have on our
14 system. All of those are valuable --- invaluable in
15 making people feel more secure. But at the end of the
16 day, we come back to the limitations on protecting
17 ourselves against the determined suicide bomber. As
18 I'll say it over and over, that's why it's so
19 important for us for there to be public discourse.
20 Just in case somebody out there has a good idea, we
21 want to try it out.

22 CHAIR:

23 Getting away from the detection and the
24 enforcement and prevention, with respect to how the
25 local railway system handled the situation after the

01 event occurred, did you learn anything from that, or
02 what were your observations from that? In this
03 respect, talking about trying to minimize ---

04 MR. JORDAN:

05 Minimize.

06 CHAIR:

07 --- the damage that's occurred and the
08 timeliness of the response and also the people that
09 were killed and injured. Try to minimize or reduce
10 that.

11 MR. JORDAN:

12 I think in terms of the importance of
13 training in advance, one reason in London authorities
14 were able to respond very quickly is that they had
15 drilled, they had practiced over and over. Their
16 first responders were trained in evacuating from a
17 subway. In London the subways are far deeper
18 underground than we are. One, I guess, evolution of a
19 problem that we see is that in --- in the wake of the
20 IRA-type attacks in the '70s and '80s, there was a lot
21 of emphasis on hardening --- what we'll call hardening
22 the stations, removing trash cans and using bomb-proof
23 trash cans, increasing lighting, increased used of
24 surveillance cameras. And that works. And we have
25 implemented and are implementing some of those

01 measures in our underground stations. What becomes
02 troubling about the London and Madrid attacks, they
03 didn't happen in the stations, they happened on the
04 trains themselves. And while there's a lot of
05 attention given to strengthening the railcars, for
06 example, the new cars, they will meet modern standards
07 established by the federal government for crash
08 worthiness or explosion resistance, we run against the
09 problem, what the terrorists are trying to do is hurt
10 and injure people. They're not trying so much to hurt
11 our infrastructure. Their primary target are the
12 people inside that railcar, and there is only so much
13 you can do to mitigate once somebody does succeed in
14 getting a bomb on the car and detonating it, either by
15 a suicide bomber or, as we say, remotely by a cell
16 phone or similar device.

17 So what --- I guess in the best possible
18 sense, we have a pretty good sense of what we don't
19 know in a sense that we know some things that work, we
20 know some things that are gaps where we need to
21 improve. The key issues that do emerge from London
22 are the importance of being prepared, the importance
23 of training, the importance of doing real life drills
24 with, you know, actually climbing down into a tunnel
25 through an emergency exit. Those are the types of

01 things we've learned even before it. But especially
02 then, we learned to make sure we keep our emergency
03 entrances and exits clean of debris, make sure that
04 their hinges are well oiled, make sure that the
05 lighting is working well in our tunnels. We make sure
06 we keep the tunnels as clean as possible so that if
07 somebody does leave something on the tracks or near
08 the tracks, it's going to stand out. Those types of
09 things enhance our security and those are best
10 practices followed in London, in Paris, in European
11 countries that are even more experienced.

12 Nobody has found one magic bullet that
13 solve all the problems even as, especially in Paris
14 and London where they've increased their police
15 forces. And even their military and paramilitary
16 forces guard the public transit system. All of those
17 things help and all of those things we and our
18 colleagues in New York, Chicago, Washington are all
19 trying to follow the same best practices. There may
20 be some differences in the system, but we're all
21 essentially on the same page in following ---
22 following best practices.

23 CHAIR:

24 I was thinking while you were talking
25 it'd be awfully hard to stop a subway train and

01 telling everyone we're doing drills, an evacuation
02 drill here.

03 MR. JORDAN:

04 We can't do that.

05 CHAIR:

06 My question is with respect to, you know,
07 evacuation of the tunnels, do you go through the
08 routine with your crews and your folks, say, if
09 something happens, here's what you're going to have to
10 do to guide the passengers out of here as quickly as
11 possible?

12 MR. JORDAN:

13 That is part of the training, especially
14 for conductors. Conductor is the person actually with
15 the responsibility for anything involving the
16 passengers. And we are looking and need to look at,
17 does there need to be retraining, because that's with
18 --- with so much professional training, it's one thing
19 to have very good training five or ten years ago, do
20 we need to formalize refreshing it. The other part of
21 that is why we put so much investment to our radio
22 system, because evacuation on a rail context, subway
23 or regional rail, is inherently dangerous. You are
24 taking people from a safe environment where they're
25 encased in tons of steel and putting them out in

01 hostile environment where there are several thousands
02 volts of current likely to be nearby.

03 On the other hand, when something
04 happens, it's natural human instinct to want to get to
05 fresh air and sunlight. So we try to emphasize that
06 the conductor communicate with the control center, try
07 to get emergency police and emergency responders to
08 the scene and have them assist. That works well the
09 closer to Center City you are. For example, we did
10 have a derailment a few months ago, no injuries, but
11 part of the Philadelphia Fire Department responded and
12 actually helped conduct the evacuation to a nearby
13 emergency exit.

14 But they are trained. We're always
15 looking for better ways to do it. The real issue is
16 not so much getting people off the train as making the
17 decision to run that risk. Now, again, fortunately in
18 our incident in July, it was daylight. There was not
19 a lot of jeopardy to people leaving the train. Where
20 it's nighttime and flooding, a derailment, any of
21 those complicating factors, the real issue becomes not
22 the mechanics of evacuation but the decision.

23 I would also say we also train --- when
24 we do drills, we work --- we make a special effort to
25 make sure there are people on that train, volunteers

01 for the special needs, either sight impairment, have a
02 dog or other assist animal, wheelchair bound, so that
03 they'll train and not simply opening the door and say,
04 okay, folks, step out, but in evacuating somebody
05 confined to a wheelchair or somebody with sight
06 impairment or even somebody with possible
07 psychological disturbance. Because that's our most
08 vulnerable. Those areas represent our most vulnerable
09 ridership in the event of a --- to respond to
10 emergencies.

11 CHAIR:

12 Two last questions. The first one is do
13 you --- what, if any, need do you see to improve
14 security of the rail infrastructure in facilities,
15 terminals, tunnels, bridges, rail switching and other
16 rail-related areas, the summary of where is the focus?

17 MR. JORDAN:

18 The key problem is communication, not
19 within SEPTA, but what we call, interoperability of
20 communications. While our radios work in the tunnels,
21 the Philadelphia Police and Fire Department radios
22 don't. They're on a different frequency, and we don't
23 have the repeater system for them. We've looked at
24 various --- and again, we saw a similar problem in
25 London. When you're underground, radios and cell

01 phones aren't really meant to work underneath all that
02 stone and dirt and steel. We've looked at those
03 possible solutions. We have not found any solution
04 that we --- we're comfortable recommending. We've
05 looked at some, and they're very expensive. It would
06 also take so much time to implement that they would
07 probably be obsolete by the time we finished.

08 But throughout the country, because
09 pre-9/11, law enforcement agencies throughout the
10 country bought their own system, and we have a nearly
11 infinite number of different radio systems, and it
12 becomes very hard for law enforcement agencies to talk
13 to each other. We're looking at some solutions. We
14 are acting as a --- essentially a regional hub for a
15 system that does allow different systems to talk to
16 each other above ground. So that, for example, now
17 using this system, the Upper Darby Police can maintain
18 radio communication with SEPTA Police and vice versa
19 even though they're on different radio frequencies.
20 Some departments are still a little reluctant to be
21 part of a --- almost a party line, so to speak, and I
22 can appreciate that.

23 The other --- and I think if we do get
24 --- if the technologically proficient people do come
25 up with a solution, we will be knocking on everybody's

01 door to say, okay, we need X dollars to pay for it.
02 Our reluctance at this point is we don't want to come
03 to you and say, all right, give us \$25 million to
04 build a system that we are not enthusiastic about for
05 a lot of reasons.

06 The other thing, we're using grants from
07 the Federal Department of Homeland Security to enhance
08 our ability to detect things going on in our tunnels.
09 We're looking at motion detectors, chemical sensors.
10 Again, there's no magic bullet. We are emphasizing
11 cameras and a project we call Smart Stations, which is
12 to essentially wire all of our underground stations to
13 improve audio/visual systems, improve emergency
14 alarms, improve telephone communication, sensors on
15 doors, so that we can --- we can observe from our
16 control center anything going on in one of our
17 stations.

18 Our real dilemma, and again, I speak in
19 terms of SEPTA, but it's true --- and a new Department
20 of Homeland Security emphasizes this, they said,
21 unlike the airlines where the federal government has
22 always, or for a very long time, played a major role
23 in airport security, and certainly since 9/11, an even
24 more major role, historically safety and security of
25 public transit has been left to local and state

01 funding. As you of course know, the state legislature
02 provides the largest share of our --- close to a --- a
03 billion dollar a year operating budget of any
04 government entity. And out of that operating funds,
05 we support a 250-officer police department. If I
06 could wave a magic wand and ask for anything, I would,
07 as anybody in my position, I would ask for more
08 police. At the same time, we're perfectly aware of
09 the budget realities for government at every level.
10 That's perhaps one way of stating that in all of the
11 Federal Homeland --- Homeland Security grants we get,
12 the one thing we're not allowed to spend money on is
13 the one thing that we know would enhance our security,
14 and that's paying salaries of cops. We're not allowed
15 to use those funds for that purpose. If there was
16 some way to change that, that would do more than any
17 other single thing to enhance security for public
18 transit systems throughout the country.

19 CHAIR:

20 My next question is, --- let me --- go
21 ahead. You wanted to ask a question. I have one last
22 question, but if you want to follow ---.

23 REPRESENTATIVE WANSACZ:

24 Mr. Jordan, I'm Representative Jim
25 Wansacz. I don't live in the Philadelphia area but I

01 have ridden the trains. You have 250 officers. Is
02 there --- how many trains run per day?

03 MR. JORDAN:

04 Well, we have --- to give you an idea, we
05 have about 350 cars, and they're pretty much running
06 constantly from five o'clock in the morning until 11
07 o'clock at night all over the five counties. We have
08 about the same number of subway cars that run
09 essentially in a crisscross through the city, one
10 north and south, one east and west. And we have 1,300
11 busses and then we have trolleys and we have our
12 system out in Delaware County with light rail. So we
13 have hundreds always in motion, which means as a
14 practical matter, it is not possible to police other
15 than by location, rather than by vehicle.

16 REPRESENTATIVE WANSACZ:

17 That's what I was going to ask, you don't
18 have an officer on every train or subway?

19 MR. JORDAN:

20 What we --- we police in zones, and the
21 officers will ride the subway within their zone and
22 get off at stations, patrol the stations. So there
23 will be officers --- again, when you look, and it's
24 true of any type of police deployment, 250 officers
25 translates to, at any given time during the peak time

01 between 6:00 in the morning and 8:00 at night, we may
02 have 20 to 30 officers on duty, because we work seven
03 days a week, 24 hours a day, and there are vacations.
04 So that the basic rule of thumb with any department at
05 any given time, we're going to have about no more than
06 20 percent of your available force possibly out there.
07 But because we patrol in zones, there's --- even if
08 you don't --- you're on the subway system, even if you
09 don't see a cop on your train, there is going to be
10 one within a couple minutes away if there's a need.
11 It becomes more of a problem as we go to our regional
12 rail system to our bus system. If you are 20 miles
13 away from Center City, we are responsibly in
14 coordination with local law enforcement.

15 REPRESENTATIVE WANSACZ:

16 So in the case of the July when you had
17 the accident, the conductor was responsible for trying
18 to keep the passengers calm or going ---. Now, how
19 are they --- do they do that over intercom? Is that
20 how it works?

21 MR. JORDAN:

22 We have ---.

23 REPRESENTATIVE WANSACZ:

24 Do they go back, do they assess it? I
25 mean, how does stuff like that take place?

01 MR. JORDAN:

02 We do have intercoms. Because so many of
03 our cars are pretty old, the intercoms don't always
04 work as well as we would like. In a situation like
05 that, the conductor will always --- will also walk
06 through. This is after initially calling radio for
07 assistance, the conductor would and did say, okay,
08 there's help on the way. We have called the police.
09 We have called the ambulances, please stay calm. And
10 that --- and I have seen it --- and I think that's an
11 area we have improved since 2000 of training the
12 conductors in the importance of communication even if
13 it's something as simple as being stuck because of a
14 switch failure. People will accept inconvenience if
15 they're reassured that somebody is on top. Where they
16 get very concerned is if nothing is being communicated
17 and people are sitting on the tracks not moving, they
18 start to get pretty upset. So we emphasize that
19 personal communication between the conductor and the
20 passengers. And again, I think in the July incident,
21 it was a very orderly evacuation and promptly ---
22 again, under pretty favorable situations.

23 REPRESENTATIVE WANSACZ:

24 How long did it take for emergency
25 personnel to come?

01 MR. JORDAN:

02 I don't know that I've seen a timeline.
03 I think there were Delaware County first responders
04 there very quickly. I think we just got a bill from
05 them. And very intensive. I'm sure it was certainly
06 a matter of minutes when the first responders were
07 there.

08 REPRESENTATIVE WANSACZ:

09 But what's your training? Is it --- do
10 your conductors go through an annual, how do I say it,
11 continuing education looking at new ways? As
12 terrorists come up with more and more ideas, do you
13 learn more and more what's going on? Is that
14 something that is required?

15 MR. JORDAN:

16 That's --- not at this point. In fact, I
17 think some of the engineers are required --- the
18 engineer is the person who physically operates the
19 train. They're required by the federal oversight to
20 have annual recertification. Historically, that is
21 focused on operation of the train and a familiarity
22 with signals. I would say that's an area we keep
23 looking at, but we have not come up with a broad scale
24 program where there is recertification for whatever
25 reason. But with new hiring, we have officers trained

01 to --- for example, we have a one-hour terrorists
02 awareness training course. That's an area I am not
03 --- I'm going to say, not comfortable. I don't
04 believe that we're doing all we could be doing, but
05 I'm not sure what's the right direction to go in,
06 because we don't want conductors to take police
07 action. We want them to call for help.

08 REPRESENTATIVE WANSACZ:

09 But I've been working with you, say, for
10 ten years, and I took this when I first started, this
11 one-hour training session, chances are I'm not ever
12 going to take this training session again?

13 MR. JORDAN:

14 That's another problem. Unless it's
15 re-enforced every six months to a year, you're going
16 to forget it. That's a concern. On the other hand,
17 that's why we focus on what's the simplest thing to
18 train people in. That's to call it in. And as I say,
19 especially immediately post 9/11, there was a lot of
20 material out saying this is what you should look for.
21 Well, we've never --- we've never seen any of that
22 pattern hold true. But we want --- people are
23 uncomfortable. Fortunately today, all of the alerts
24 have not --- we did have one troubling alert where one
25 of our dogs did do a positive hit on somebody who was

01 acting very suspicious. I think it was a problem
02 where a bum had spent the previous night in a field
03 that had been fertilized, and it picked up the
04 fertilizer on his camouflage jacket. But --- so one
05 way of saying --- and I know in talking to a lot of
06 engineers and conductors and bus operators and others,
07 including porters and maintenance people, they would
08 like to see more in the way of training. We would
09 like to provide training. We're troubled about
10 whether there's a better way to do it. We're looking
11 at additional materials. We provide leaflets. I've
12 seen one booklet that was developed by Cleveland
13 that's the size you can stick in your pocket that has
14 not only all emergency numbers, but some basic
15 mechanics. And I think as much as anything, something
16 like that gives people a level of comfort that that's
17 something they can refer to. Our police are reviewing
18 that. We could customize it for our --- for our
19 system. We're constantly looking at ideas like that.

20 But to give you one example, I believe it
21 was New Jersey transit ordered several thousand copies
22 of a tape produced by an institute out of Rutgers
23 about terrorism awareness and mailed it to people's
24 homes where they put it in their DVD and VCR. And a
25 little kid saw a bus blowing up and was terrified,

01 apparently. So you've got to be careful about what
02 you do disseminate. You don't want to be frightening
03 people, but it's --- it is an area I want to see us
04 doing a better job.

05 REPRESENTATIVE WANSACZ:

06 Another concern I had is understanding,
07 as you said, regional transit, if you're going from,
08 say, Delaware County to Philadelphia, you're
09 traveling, obviously there's a lot of tracks between
10 now and then for people, let's say, plant a device on
11 the track. And I don't really know if there's
12 anything that you can do --- do you have --- is there
13 technology out there that has sensors on your tracks
14 or on your --- on your trains that would be able to
15 pick up something that you suspect ---?

16 MR. JORDAN:

17 Not in terms of --- the problem is if you
18 put a sensor out in the open areas, it's going to
19 sense everything that's there. Our people are
20 trained, as part of their job, to observe the tracks
21 for any problems with switches, anything fouling the
22 tracks. If something is --- and then we have
23 inspection crews that walk the tracks literally on a
24 regular basis to look for any problems. When we do
25 see a suspicious object, we either respond with a dog

01 or we have obtained a somewhat state-of-the-art
02 portable explosive detection device that we are
03 testing out that allows us to very quickly get a lead
04 on what is in that box or that package. As people
05 have experimented more in a tunnel --- in a tunnel
06 environment, chemical sensors, motion detectors, the
07 problem is again on a rail like you described, you put
08 motion detectors, you're going to get a lot of dogs or
09 people walking along and again, you can't put cameras
10 on all hundreds of miles of track. So we rely on the
11 engineers, especially, always observing the scene.

12 Our bigger problems to date --- and I
13 know there's been a couple attacks in France within
14 the last couple years of people trying to blow up
15 tracks out in a more rural environment. Where we see
16 the greater incidence of suspicious packages is in our
17 subway environment --- our tunnel environment in the
18 stations especially, but sometimes also in the track
19 area. We have a problem with homeless people getting
20 into that areas and we patrol and keep them out. They
21 create some problems for us.

22 REPRESENTATIVE WANSACZ:

23 Thank you.

24 CHAIR:

25 Thank you, Representative Wansacz. In

01 follow up, just figuring something here, I wanted to
02 clarify that if I understand, in Delaware County,
03 Upper Darby, your transit folks have a system, a radio
04 system, they can interface with Upper Darby Police
05 directly?

06 MR. JORDAN:

07 Yes.

08 CHAIR:

09 But in Philadelphia, correct me if I'm
10 wrong, in other words, the engineer or the --- would
11 have to call his dispatcher on the radio and then the
12 dispatcher would have to call the local police, 911 or
13 whatever for a response, whereas Upper Darby could
14 contact the police directly?

15 MR. JORDAN:

16 No. Let me clarify, within our ---
17 within SEPTA, the engineer or the conductor is only
18 going to have radio contact with the control center.
19 It would not have, under any circumstances, direct
20 contact with local authorities, unless he or she takes
21 their cell phone and calls directly. But we want ---
22 our system is designed for centralized local
23 information. The information comes to our control
24 center, our control center then knows who to call, if
25 it's something in that part of Delaware County, call

01 SEPTA Police, but also Upper Darby Police, and
02 likewise there are hundreds of local law enforcement
03 agencies. Using this radio interoperability system,
04 departments that participate in it can talk to each
05 other above ground so that, let's say, both Upper
06 Darby Police and SEPTA Police are responding to an
07 incident or are at a scene, they have the ability to
08 talk to each other above ground. It's below ground it
09 becomes a problem. SEPTA Police can talk to the SEPTA
10 Police Control Center, which is the main control
11 center, but can't talk to anybody else underground
12 because the radio waves cannot get to --- the other
13 system's radio waves could not get to the surface. We
14 literally have a system of repeaters. They're
15 essentially amplifiers throughout our subways. But
16 they are frequency specific. They are only designed
17 to essentially retransmit our 600 megahertz system, so
18 that if you're going there with an 800 megahertz
19 radio, it's not --- it's not of any value. So above
20 ground we've enhanced our interoperability
21 communications. We run up against, of course, in our
22 --- the one area where we're most vulnerable is the
23 one area with the greatest communication complication.

24 CHAIR:

25 And that's the area you're exploring the

01 technology to ---?

02 MR. JORDAN:

03 And we have invested money in feasibility
04 studies and we're testing equipment. We have yet to
05 find something that we're all comfortable with. We're
06 working closely, especially with City Police and the
07 Fire Department on exploring these solutions.

08 CHAIR:

09 Representative Wansacz.

10 REPRESENTATIVE WANSACZ:

11 You stated earlier that you have 250
12 officers and you say that's the problem you are facing
13 right now is to be able to add more. What would you
14 say --- how many more officers would you need?

15 MR. JORDAN:

16 Again, there is a limit. I guess I would
17 say --- I would say the one thing we could do that we
18 know would enhance security is to have more police.
19 The same would be true if you speak to the
20 Pennsylvania State Police or any police agency in the
21 country. The problem becomes how --- what's your
22 incremental values. Suppose we increase the
23 department by ten percent and there's another 25? Day
24 in and day out, that's not going to have a high impact
25 on patrol. The personnel level becomes significant in

01 the event of a heightened security alert where we
02 would essentially cancel all days off and put people
03 on 12-hour shifts. But when you do that for so long,
04 you're going to get some tired cops. But in terms of
05 the size, there's no magic number. To the extent we
06 could --- and that's why I would not go knocking on
07 your door, the Chairman's door, and say, you've got to
08 give us more cops and that will solve all of our
09 problems. It will help. But the State Legislature is
10 already generously underwriting the \$13 million a year
11 operating cost of our department. That may be too
12 long away --- that would help. But short of
13 quadrupling the size of the department, it becomes an
14 incremental issue of can we --- can we allocate
15 resources to strengthen. We're also concerned with
16 keeping the officers we have. We have to look at ---.

17 REPRESENTATIVE WANSACZ:

18 Is there anything else that you think
19 that we could be doing as far as maybe providing
20 funding for heightened security that wasn't more
21 manpower? Let's say we take that out of the --- is
22 there something else out there, new technology,
23 something that France is doing, something that the
24 European nations are doing that you see working that
25 we should be doing here?

01 MR. JORDAN:

02 Not at this time, because again, we have
03 received several million dollars from Federal Homeland
04 Security and invested that in technology. We
05 essentially have the kind of technology that you'll
06 see in London or Paris or in New York or Washington.
07 So that on the table right now, we've --- any
08 technology that's out there, any investment in a thing
09 that we can make, we essentially either are doing it
10 or have in the pipeline. I think the most valuable
11 thing the Legislature can do is what it is doing,
12 which is continue to support our operating budget,
13 because that supports --- and our department is, I
14 think, either the fifth or sixth largest police
15 department in the state. So it is a significant
16 factor. But I never want to say, no, we don't need a
17 little more in the pot. I think SEPTA, as you know,
18 is always knocking on your door about this time every
19 year to say we need some more money.

20 REPRESENTATIVE WANSACZ:

21 How about, say, continuing education, is
22 that something that --- Homeland Security, do they
23 have an annual conference that you get together with
24 some people, you go over this stuff, any of things
25 that you should be looking for? Is that something

01 that takes place annually or ---?

02 MR. JORDAN:

03 I think on multiple levels there are
04 private associations that hold regular conferences. I
05 have spoken in the last couple of years at a Railway
06 Age Conference that brings together people from
07 freight and passenger rail.

08 REPRESENTATIVE WANSACZ:

09 I'm talking something mandatory,
10 something that our conductors, our engineers, that's
11 ongoing or ---?

12 MR. JORDAN:

13 No. And that's something we look at.
14 The unions have taken the position here, and generally
15 throughout the industry, that they would only
16 participate in such programs if they were part of
17 their --- if they're on the clock, so to speak. So
18 far we haven't moved forward on that. Other places
19 that have sort of did it once, and we didn't follow
20 up. As I say, one question we come against is, it's
21 already been done in the classroom, what do we teach
22 them. What is it that we can teach other than to say
23 if you see something you're not comfortable with, call
24 it in. And that's been, I think, the dilemma. No, I
25 think again, the situation is different in the freight

01 environment where you can --- you're training people
02 to look for a different and more precise set of
03 problems. I think the freight companies can do more
04 of that type of training. We haven't done a lot of it
05 so far. But it's not a resource problem, because we
06 could use the Federal Homeland Security dollars for
07 that. We have just not found a good way to, like I
08 say, roll it out. We're using Federal Homeland
09 Security dollars to develop literature information or
10 materials. But as I said, we --- to my knowledge,
11 there were such problems that we've tried, they
12 haven't generally continued on a large scale.

13 BRIEF INTERRUPTION

14 CHAIR:

15 Thank you. You stated --- the purpose of
16 this hearing is to look at the merits of a Resolution,
17 which I drafted and co-sponsored. The nexus of that
18 Resolution came about as a result of another
19 Resolution that I introduced looking at our hospital
20 and medical infrastructure and their ability to
21 respond to an emergency, a catastrophe and disaster,
22 whether natural or manmade. But with that, I'm
23 assuming you've had an opportunity to look at the
24 Resolution.

25 MR. JORDAN:

01 Yes.

02 CHAIR:

03 And since this is an informational
04 hearing, I wanted to know if there's anything that you
05 saw in that Resolution that you would recommend they
06 change, either a broadening or a narrowing or --- in
07 other words, we're --- the Resolution is really a
08 direction to the Legislative Budget and Finance
09 Committee to undertake the study. And they'll do what
10 we say, do it this way or this way or this way or
11 whatever. I want it to be the most effective in terms
12 of letting the public know and getting information to
13 the General Assembly as to whether --- how our rail
14 transit system is prepared to respond to different
15 types of disasters, whether they're natural or
16 manmade. I just wanted to get your thoughts.

17 MR. JORDAN:

18 No. I think the Resolution is clear.
19 It's important. I was --- it sounds like what you're
20 doing is something similar to what Philadelphia just
21 underwent, a six-month long emergency preparedness
22 study. I participated in that on behalf of SEPTA. I
23 think the language of the Resolution is clear. I
24 think in terms of the work of the Legislature or of
25 the designated committee, what I think we've learned

01 over the years is sort of focus on the bad news, focus
02 on the gaps. We're all happy to come and tell you our
03 successes that we have, the thousand new cameras that
04 we have, ten new dogs that we have, a \$200,000
05 portable device that can tell you whether that water
06 is water or cyanide. What we all need to know is
07 where are the gaps.

08 And it's interesting you talk about
09 hospitals. In looking at our regional preparedness,
10 we need to do more with the ability of hospitals to
11 respond. We need to do more with the ability of
12 ambulances to talk to hospitals. We learn little
13 things like that. I don't think that needs to be ---
14 we don't need to get down to that level in terms of
15 the language of the Resolution. But I think in terms
16 of any advice to communicate back to the Legislature,
17 it is the importance of learning the bad news. And
18 obviously, sometimes that requires a certain level of
19 confidentiality, but very often it doesn't. It's
20 important for us all to know, okay, this is what we'll
21 need, this is where we need to focus, whether it's
22 training, public communication, hardening some of the
23 infrastructure. I think that's an overall area I
24 would emphasize.

25 The other thing, again, I think that

01 language of the Resolution very well defines the scope
02 of what needs to be done. But we've also learned it
03 is the importance of --- I think it's really the
04 classic safety model of using a vulnerability
05 analysis. Not all hazards are the same. Even if
06 there's a theoretical possibility of something
07 happening, we really need to focus whether it's
08 freight moving or people moving --- moving people on
09 what's --- what are the scenarios that would do the
10 greatest harm to the greatest number of people. That
11 in turn, becomes a key part of our preparedness
12 analysis and preparedness to respond.

13 And as I say, we will also find a lot has
14 been done. That doesn't mean it's all of gold
15 standard. But I am sure my company and the other
16 agencies, Amtrak and freight agencies would be very
17 happy to work with the Legislature and their
18 professional staff in steering it towards the
19 significant information that is out there. I don't
20 know if that's responsive. To come up with a short
21 answer, I think the language of the Resolution is
22 clear and very clearly defines the scope of what needs
23 to be done.

24 CHAIR:

25 I would be remiss if I didn't make a

01 comment, because I'm very impressed with the
02 information that you've given to us. I want to really
03 commend SEPTA, the Southeastern Pennsylvania Transit
04 Authority, for actually coming forward and contacting
05 the committee to come in and testify. I think you've
06 given me and, I think, the other members of the
07 Committee and some who aren't here but will see the
08 notes of testimony, a lot of really good information.
09 But I'm struck by the on-the-ground analysis and
10 comments that you've made, particularly with respect
11 to, you know, the communication issue and being able
12 to coordinate all of that, because I think --- you
13 know, it's very easy to come forward after something's
14 happened. You know, I could probably --- with my
15 limited knowledge about railroad operations, I could
16 probably tell you how to prevent something after it
17 happens. It's easy to do that. It's awfully
18 difficult to come forward probably and say, you know,
19 we're trying to develop cost-efficient and effective
20 methods to prevent something from happening and also
21 to be able to deal with the situation if it does
22 happen. That's very difficult, because, quite
23 frankly, you know, you put your neck out, because
24 you're saying, you know, we're trying to look at, you
25 know, all the scenarios that we can, and you can't do

01 it. It's impossible to get every possibility. So
02 you're looking at what the high probabilities are.
03 And as you stated earlier in your testimony, the high
04 --- the high danger zones are tunnels in populated
05 areas. And that's --- so what you're doing out there
06 is number one, deterring, and you're getting the word
07 out that you're going to be deterring. So if
08 somebody's thinking about it, they go, well, that's
09 where they got all the cops and that's where they're
10 doing their enforcement, so we're going to stay away
11 from there. And if you're going to do something bad,
12 it's going to be someplace else and then it's going to
13 have less effect and it's not going to accomplish your
14 goal just to, you know, break things and kill people
15 and terrorize people. So I think that's good that
16 you're getting the word out. I was impressed that you
17 say you're now, you're putting people in uniform
18 because that heightens the level of awareness and
19 heightens the level of presence, so that, you know,
20 folks feel a little bit more comfortable. And I think
21 that's important.

22 But I was thinking when you were giving
23 the follow-up on my comment about the hospital that,
24 you know, you're in this disaster situation, you're
25 post whatever happened and you've got a radio in your

01 hand, and somebody says, call for an ambulance. And
02 you say, I can't. And you know, that's no consolation
03 to the person that needed the ambulance or has to
04 communicate with healthcare or the police or the fire
05 department to get assistance there to try to, you
06 know, save lives and prevent further injury and damage
07 to people who have been injured. That's really a
08 focus. And I think SEPTA recognizes that. I mean, I
09 was very impressed with the fact that you noted
10 there's a shortcoming there in the tunnel
11 communication that you're --- you know, you're
12 spending time and resources and looking at that and
13 trying to find a solution. Hopefully, that will occur
14 very quickly and hopefully cheap, but I don't think
15 that's what's going to happen.

16 So I was very impressed with the work
17 that you've been doing and the work that you've done
18 in the past to prevention and also to try to have a
19 plan in place and get involved in the City of
20 Philadelphia disaster plan and program and also the
21 other work that you've done internally to address
22 these issues that are raised in this Resolution. And
23 I want to thank you for being here this afternoon.
24 And I know we went over time, but I thought it was so
25 important to hear from you and get the information

01 that you have given to us so that we can pass it along
02 to the other members. And I'd be remiss if I didn't
03 tell you, I've had some differences with SEPTA. And
04 you're aware ---. But I was very impressed, number
05 one, that you came forward on your own and said you
06 wanted to present testimony here. And number two, the
07 quality and the content of the testimony that you
08 presented today.

09 MR. JORDAN:

10 Thank you very much.

11 CHAIR:

12 Thank you.

13 MR. JORDAN:

14 Our pleasure.

15 CHAIR:

16 I'm sorry. Does any of the Staff have a
17 question? Okay. Thank you.

18 MR. JORDAN:

19 Thank you.

20 CHAIR:

21 Our next witness is Mr. Ken Kertesz,
22 Chairman of the Pennsylvania State Legislative Board
23 Brotherhood of Locomotive Engineers and Trainmen.
24 Welcome, Mr. Kertesz, and thank you for coming before
25 the Committee. And you may proceed when you're ready,

01 sir.

02 MR. KERTESZ:

03 Good morning, Mr. Chairman, and members
04 of the Committee. I'm Ken Kertesz, Chairman of the
05 Pennsylvania State Legislative Board for the
06 Brotherhood of Locomotive Engineers and
07 Trainmen-Teamsters Rail Conference, the oldest union
08 in the United States. I appreciate the opportunity to
09 come before you to offer my testimony and explain why
10 we support and believe we need this Resolution.

11 I speak today on behalf of the more than
12 1,200 locomotive engineers who operate passenger and
13 freight railroad trains across most of the 6,000 miles
14 of track in the Commonwealth of Pennsylvania. The
15 BLET represents the major Class I freight railroads in
16 Pennsylvania, such as CSX, Norfolk Southern, Canadian
17 Pacific, Canadian National, as well as Amtrak and
18 SEPTA.

19 As locomotive engineers transporting
20 thousands of tons of freight, including hazardous
21 materials, as well as passengers and commuters, we
22 consider ourselves first defenders, first responders
23 and first preventers with a tremendous responsibility
24 to the public to counter any threats against the rail
25 system. We are the eyes and ears of the railroad.

01 Railroads have been the safest and most
02 secure means of transportation available for both
03 passenger and freight. And we have not been the
04 victims of a terrorist attack in Pennsylvania yet.
05 From regular merchandise shipments to raw materials
06 and hazardous materials to spent nuclear fuel, it
07 should and must be moved by rail. If we did not have
08 mass transit in the populous areas, there would be
09 highway gridlock.

10 Railroad train dispatchers, as well as
11 management, rely heavily on transportation employees
12 to move trains safely and be vigilant in their duties.
13 And we do. However, the carriers do not employ
14 sufficient police to be a deterrent. Should an
15 incident occur, much of the time local or state police
16 are the first on a scene. So local and state
17 resources would be used to assist the very profitable
18 railroads.

19 The Department of Homeland Security has
20 put out notice to the states and local communities not
21 to wait for the federal government to implement new
22 safety measures. We believe Pennsylvania can assist
23 with vigilance toward railroad security. Further, the
24 Commonwealth is strategically situated whereby
25 one-third of the nation's freight either originates

01 here or travels through Pennsylvania to other states.

02 We are recommending the Pennsylvania
03 Legislature work with security experts to establish
04 minimum standards to protect the public's safety.
05 Allowing the railroads to regulate themselves isn't
06 enough. Five years have passed and not much has been
07 done, to our knowledge, to further protect the
08 traveling public or the railroad industry. Ask any
09 rail employee if their employer has made changes to
10 the infrastructure since 9/11 and most, if not all,
11 will tell that if anything's been done, it's been
12 transparent. The High Alert offered to you today
13 speaks for itself.

14 You will hear today that federal
15 pre-emption prevails in the regard. However, states
16 are permitted to enact legislation to protect the
17 public, and it is the Legislature's duty to do so. If
18 the federal government should ever get around to
19 enacting legislation, states' rights will prevail this
20 legislation and will stand the test of time.

21 Pennsylvania had received federal funds
22 to help address particular needs and vulnerability
23 levels to prevent, respond and to recover from acts of
24 terrorism. We believe some priority needs to be given
25 to the rail industry as the Federal Homeland Security

01 funds are allocated to enhance overall security and
02 preparedness. But to figure out the priorities, a
03 vulnerability assessment of our transportation
04 infrastructure must be conducted as outlined in this
05 Resolution. Although this is only a study, we believe
06 it is a start.

07 There are two elements to securing trains
08 in Pennsylvania. One, we need to prepare ourselves
09 against a possible terrorist attack inside the cab and
10 onboard the train. Internal precautions involve
11 assessing security before entering a train and while
12 onboard. Specific recommendations regarding onboard
13 security include positive ID of all train personnel,
14 as well as other rail employees, training of staff for
15 security and first responder incidents, procedures for
16 emergency response, security equipment, better
17 communication equipment, et cetera, onboard, security
18 personnel onboard in certain circumstances, critical
19 stress training and assistance, equipment
20 modifications, such as effective secured cab lock
21 doors.

22 Another level where our railways are
23 vulnerable is to the external attacks, particularly at
24 holding areas, intersections, bridges and overpasses.
25 An external attack requires a different and expanded

01 approach to security. This requires an array of
02 measures including operation procedures in high risk
03 areas, increased security in and around yards to
04 include armed guards in critical areas, restricted
05 vehicle access, screening of railcars, freight and
06 passenger baggage, first responder training,
07 appropriate equipment and exercises, restricted use of
08 remote control operations and improved communications.
09 In addition, mass transit entities need to enhance the
10 security of their passengers with the installation of
11 physical barriers, monitoring systems, motion
12 detectors, canine and training exercises.

13 Over the last three years, we have
14 attempted to work with the railroad companies both
15 publicly and privately to initiate some of these
16 security measures. When Keith Martin was with the
17 Pennsylvania Department of Homeland Security, he
18 called all the stakeholders together for a series of
19 meetings. We had developed a number of common ground
20 measures and we were putting together a negotiated
21 agreement when he was called overseas. Since that
22 time, the Department had undergone a series of changes
23 at the top, and our negotiations have fallen by the
24 wayside.

25 You may hear today from some of the

01 testimonies that everything is fine. But if
02 everything if fine, why don't we know what we're
03 supposed to do when the nation goes to a Code Orange
04 or Code Red? Why don't my members have additional
05 training for such situations or additional equipment?
06 Had the BLET engineer and the trainman in the South
07 Carolina accident a year ago had a ten-minute mask to
08 get away from the chlorine cloud, they might be alive
09 today. Why do other first responders and other
10 industries have adequate equipment in place to protect
11 their workers while we are still waiting?

12 Another confusing aspect is the fact that
13 railroads were listed in the top ten most vulnerable
14 assets in every region on a 2003 study conducted by
15 FEMA and by the Pennsylvania Homeland Security
16 Department, yet the issue still hasn't risen to the
17 top of their priority lists. We understand there will
18 be another study conducted this year, but what actions
19 are being taken? For example, are there any
20 surveillance cameras installed at any of the critical
21 points, such as major bridges and tunnels? We haven't
22 seen any. If one of the major bridges would have take
23 --- were to be taken out, it could shut down the
24 entire northeast corridor, costing millions of dollars
25 a day and possibly destroying rivers that supply

01 drinking water to our citizens. There are so many
02 ways you could look at how this could reverberate and
03 affect our lives, it is mind boggling. Let alone the
04 fact that we need our rail system in times of national
05 security situations and major catastrophes such as
06 power grid outages.

07 Thank you, Mr. Chairman, for undertaking
08 this Resolution. Many legislators told us it would
09 take a catastrophe for the state to focus on these
10 issues. So we commend you for your proactive and
11 forward thinking regarding the rail safety and
12 security. I will now be happy to answer any
13 questions.

14 CHAIR:

15 Thank you very much, Mr. Kertesz.
16 Representative Wansacz?

17 REPRESENTATIVE WANSACZ:

18 Ken, thank you for your testimony.
19 You've raised some great points, and some of the
20 things I think I was trying to get at with the
21 previous testifier. I know we've spoken in the past
22 about some of these issues. What exactly is taking
23 place with the administration now since Chief Martin
24 has left? Is there someone there that has continued
25 on these meetings or is that really just no meetings

01 at all? Is that something that we're bound to ---?

02 MR. KERTESZ:

03 Bob Marks, I believe, is the acting
04 director. And we've had initial meeting with him and
05 with Jim Joseph and with the Governor. But there has
06 been nothing recent. That meeting occurred in June.

07 REPRESENTATIVE WANSACZ:

08 With these suggestions, has there ever
09 been any type of a study of how much it would cost to
10 implement any of these things?

11 MR. KERTESZ:

12 To my knowledge, no. We haven't been
13 able to go get to that point.

14 REPRESENTATIVE WANSACZ:

15 Is that something that you can --- this
16 study that Representative Gannon had proposed should
17 be looking at or at recommendation as part of the
18 Resolution?

19 MR. KERTESZ:

20 Most definitely.

21 REPRESENTATIVE WANSACZ:

22 Okay. You talked about, and I asked the
23 gentleman and was actually kind of --- I was kind of
24 surprised that there's no meetings being conducted,
25 especially when it's the conductors and the engineers

01 that are responsible for --- I guess, being first
02 responders if there is anything done because, as we
03 have heard, there's not much security on the train
04 rail. Now, I know that we're dealing with a lot of
05 passenger --- not passenger, but more freight. And
06 that's where we, quite honestly, there could be a
07 problem with various chemicals being traveled or
08 anything as --- meaning in South Carolina or the
09 Tennessee disasters. What can be done as far as
10 helping protect or giving our people, our conductors,
11 our engineers more training if they're carrying
12 certain chemicals? Is that something that --- say for
13 example, they're carrying a chemical now on a train,
14 do they come and say, okay, these are the chemicals
15 that are onboard, if something should happen, this is
16 what we should do? Does that take place now?

17 MR. KERTESZ:

18 We are trained. We receive hazardous
19 material class training. All Class Is, Class IIs do
20 train their employees. We are issued a hazardous
21 materials response book. Conductors would be
22 initially responsible to try and go back and assess
23 the situation should an incident occur. The engineer
24 would more than likely initiate a call to the train
25 dispatcher to let him know if it was a problem. We're

01 not trained to react to a chemical spill. We don't
02 necessarily want to have to do that. There are
03 experts out there. But clearly, more can and should
04 be done.

05 REPRESENTATIVE WANSACZ:

06 But are we prepared if there was, say, a
07 spill out on one of our trains in Pennsylvania?

08 MR. KERTESZ:

09 Are we prepared?

10 REPRESENTATIVE WANSACZ:

11 Yes.

12 MR. KERTESZ:

13 In my view, the response would not be
14 immediate, it would take hours.

15 REPRESENTATIVE WANSACZ:

16 And how would --- are you familiar with
17 how that would work now? Obviously you would be
18 contacted, probably an environmental team would be
19 sent in.

20 MR. KERTESZ:

21 Well, our first line of communication and
22 company policy on most railroads would dictate that
23 the rail employees contact the train dispatcher. The
24 rail employees do not have any authority to contact
25 911 or contact local police or anyone. Our immediate

01 contact is to the train dispatcher.

02 REPRESENTATIVE WANSACZ:

03 And then once the train --- then the
04 train dispatcher will then contact the ---?

05 MR. KERTESZ:

06 Then it would be his responsibility to
07 contact local management, and then they would initiate
08 other calls. However, train dispatchers are located
09 hundreds and hundreds of miles away from the locations
10 of where the trains are dispatched.

11 REPRESENTATIVE WANSACZ:

12 So what would happen then after your
13 engineer calls in? What would they do, just sit and
14 wait or is there ---?

15 MR. KERTESZ:

16 Well, yes, that's another company
17 instruction on most railroads is that the employees
18 are not to absent themselves from their
19 responsibilities and they are to remain on the train.
20 Now, they're also told not to endanger themselves.
21 That is clear. However, we have no protection
22 onboard. We don't have any type of masks for an
23 immediate cloud. If the cloud were to envelope the
24 train or locomotive, then we would expire.

25 REPRESENTATIVE WANSACZ:

01 So you don't have any oxygen masks?

02 MR. KERTESZ:

03 No, absolutely nothing.

04 REPRESENTATIVE WANSACZ:

05 Is that something that we should be
06 looking at then, providing --- that there is an oxygen
07 mask on the trains when they are traveling with
08 certain chemicals that can be ---?

09 MR. KERTESZ:

10 It is something that we should be looking
11 at.

12 REPRESENTATIVE WANSACZ:

13 Thank you.

14 CHAIR:

15 Thank you, Mr. Kertesz. Just a couple
16 observations. I think your point re-enforced some of
17 the prior testimony that the engineers and the
18 trainmen and folks that are running the train are the
19 eyes and ears of the train, and that's probably the
20 most important function, I think, that they do,
21 because if something is going to happen or it looks
22 like it's going to happen, you folks have to be the
23 first ones to deal with it. And unless you're
24 operating as the eyes and ears of the train, you're
25 not going to be able to do that.

01 The second thing is, I know you pointed
02 it out, but this Resolution is really just a study to
03 look at the situation and see where we are, just to
04 give us a sense of time and let us know exactly where
05 we are and possibly if things have to be remediated,
06 make some recommendations.

07 And the third thing is, and I think ---
08 and this is where I feel very strongly, is that I just
09 simply don't want to wait for a catastrophe to happen
10 before we all are running around trying to point
11 fingers and you know, get our facetime on TV and all
12 that kind of stuff you see happens when there's a
13 catastrophe in which postmortem everybody knows how it
14 could have been prevented. I'm trying to be proactive
15 and look forward, and some of your suggestions are
16 well taken. I'm assuming that these are not -- that
17 these suggestions are not prioritized, meaning this is
18 a list, some may be more important than others.

19 MR. KERTESZ:

20 There are those and there are more.

21 CHAIR:

22 But it strikes me --- and I don't know
23 the answer to this question, so I'm going to ask it.
24 But in terms of the safety of the employees that are
25 operating the trains, say that --- let's assume you

01 were given a certain cargo that may or may not ---
02 let's assume that we're given a certain cargo and that
03 cargo could cause injury to anyone that's exposed.
04 Probably the people that would be in the most
05 immediate exposure would be the people that are
06 running the train. Are you --- or your people that
07 are running the train, are they given protective ---
08 you say you are not given any protective measures. So
09 for example, some kind of chemical that's very caustic
10 and if it comes in contact, it could cause some
11 serious harm. Assuming that employees that are on the
12 train might be the first ones to come in contact, are
13 you --- does your employer provide you with, say, a
14 kit or something and say, look, here's what you need
15 to take because of this --- this cargo, and you have
16 this leaking, and if something happens, you know, you
17 can use this kit to try to minimize the injury or
18 damage? And I'm just thinking off the top of my head
19 what we've done on the Turnpike, for example, because
20 we have a lot of truck traffic that carries chemicals,
21 in our stations we actually have emergency showers so
22 that the operator of a truck can be --- go to that
23 station and immediately go over to a shower and just
24 gets drenched, soaked with water to wash off anything,
25 that's what I'm thinking. Anything like that

01 provided?

02 MR. KERTESZ:

03 Absolutely not. The emergency response
04 book dictates anyone coming in contact would have to
05 keep a certain distance, should remain upwind from a
06 cloud or a vapor, not to approach it, and just to
07 contact the train dispatcher. I mean, that's all
08 we're given.

09 CHAIR:

10 I'm thinking in terms of the long haul.
11 You say that the train dispatcher could be, you know,
12 hundreds of miles away.

13 MR. KERTESZ:

14 Uh-huh (yes).

15 CHAIR:

16 And frequently those trains are running
17 in pretty remote areas.

18 MR. KERTESZ:

19 That is correct.

20 CHAIR:

21 So you do not have the luxury of
22 somebody, even if they wanted to, to respond
23 immediately. And it just kind of struck me that you
24 say there wouldn't be anything in site, onsite of the
25 train itself to --- for employees who would be exposed

01 to something as a result of an accident or whatever,
02 that they would be able to protect themselves. Is
03 that -- I mean, I don't know. Does the Occupational
04 and Safety Health Agency come into play here in terms
05 of ---?

06 MR. KERTESZ:

07 OSHA does not. The Federal Railroad
08 Administration and the Department of Transportation
09 have precedence.

10 CHAIR:

11 So they pre-empt OSHA?

12 MR. KERTESZ:

13 That's correct.

14 CHAIR:

15 Does that --- do --- those two agencies
16 you just referred to, do they have any regulations or
17 requirements of the industry to provide this type of
18 stuff?

19 MR. KERTESZ:

20 Just company policy that the FRA approves
21 of and the emergency response booklet.

22 CHAIR:

23 Thank you.

24 REPRESENTATIVE WANSACZ:

25 I'm just going to do a little follow-up

01 of when I spoke to Mr. Jordan previously, and he
02 answered the majority of that. But if we were to ---
03 let's say, we required some type of annual training,
04 is that something that you would be supportive of
05 doing?

06 MR. KERTESZ:

07 Most definitely.

08 REPRESENTATIVE WANSACZ:

09 So when I asked Mr. Jordan, he indicated
10 that that was something that obviously would have to
11 be worked out by contract, but I think everybody would
12 be concerned that obviously times change. You know,
13 if you took this training once and you've been an
14 engineer for ten years, you probably, like any of us,
15 would forget about some of this stuff. So do you ---
16 what would you say, would it be annually, every couple
17 years? What would be a good timetable?

18 MR. KERTESZ:

19 As a suggestion, I would think at least
20 bi-annually for some situation like this. We are
21 required to take annual rules exams on operating
22 rules. Our locomotive certifications are done every
23 three years under FRA guidelines. As a suggestion, I
24 mean, this will certainly be batted around, it will be
25 argued, it will be debated, it will be refused, it

01 will be refuted. But I would think every other year
02 wouldn't hurt.

03 REPRESENTATIVE WANSACZ:

04 And it would be specifically for what you
05 should do as far as --- or what signs you should look
06 for as far as a threat to the ---.

07 MR. KERTESZ:

08 Well, there are a lot --- I mean, I'm not
09 permitted; I don't represent the railroads. I only
10 represent the employees in safety and health matters.

11 REPRESENTATIVE WANSACZ:

12 But I'm trying to --- I mean, you guys
13 are going to be the first ones to spot anything or do
14 anything, because you guys are the ones on the train.

15 MR. KERTESZ:

16 That's correct.

17 REPRESENTATIVE WANSACZ:

18 So for the training to take place, that's
19 not something that Federal Homeland Security does now,
20 they don't come up there and say, okay, we're going to
21 meet every year, we're going to meet other year and
22 discuss this? Is that taking place now?

23 MR. KERTESZ:

24 To my knowledge, no.

25 REPRESENTATIVE WANSACZ:

01 Thank you.

02 CHAIR:

03 Yes. Mr. Kertesz, same question I asked
04 the folks from SEPTA, you had --- I assume you had a
05 chance to review the Resolution. Would there be any
06 suggestions with respect to the scope or content or
07 substance of the Resolution with respect to what it
08 directs, let's say, the Budget and Finance Committee
09 to do, you would have?

10 MR. KERTESZ:

11 No. I think it's an excellent start.

12 CHAIR:

13 Okay. Any questions? Well, thank you
14 very much for appearing for the Committee again, Mr.
15 Kertesz. I really appreciate it, and your testimony's
16 been very interesting and very helpful and
17 informative. Thank you, sir.

18 MR. KERTESZ:

19 Thank you.

20 CHAIR:

21 Our next witness is Randy Cheetham,
22 Resident Vice President for State Relations, Chair of
23 the Sub-Committee on Railway Safety, CSX; and Gabe
24 Treesh, Manager of Public Safety and Environment for
25 CSX.

01 OFF RECORD DISCUSSION

02 CHAIR:

03 Welcome to the community, gentlemen, and
04 you may proceed when you are ready.

05 MR. CHEETHAM:

06 Mr. Chairman, members of the ---.

07 BRIEF INTERRUPTION

08 MR. CHEETHAM:

09 My name is Randy Cheetham and I am the
10 Regional Vice President of Public Affairs for CSX
11 Transportation and I also serve as the Chairman of the
12 Sub-Committee on Rail Security for the Railroads of
13 Pennsylvania, an association of shortline and Class I
14 railroads that operate in Pennsylvania. With me today
15 is Gabe Treesh, Manager of Public Safety and
16 Environment for CSX. We appreciate the opportunity to
17 discuss the railroad industry perspective on rail
18 security and safety in the context of House Resolution
19 824.

20 Let me begin by addressing House
21 Resolution 824. The Resolution in its current form
22 requires the Legislative Budget and Finance Committee
23 to assess the Commonwealth's preparedness in the event
24 of a natural disaster, terrorist attack or hazardous
25 materials incident.

01 The General Assembly and, in particular,
02 the House of Representatives has already directed a
03 number of research initiatives that cover the area of
04 rail security and safety, which further support the
05 conclusion that railroads have achieved as much, if
06 not more, than any other industry in the area of rail
07 security.

08 In 2002, the House passed a Resolution,
09 House Resolution 361, directing the Pennsylvania
10 Emergency Management Agency, PEMA and the Public
11 Utility Commission, the PUC to conduct a comprehensive
12 security assessment of critical utility infrastructure
13 including rail infrastructure. That report followed
14 --- the report that followed highlighted the following
15 positive conclusions. The railroad industry is
16 accustomed to dealing with emergency situations such
17 as derailments and hazardous material spills.
18 Railroads have extensive emergency response plans.
19 Railroads rely on a cooperative effort with local and
20 state police to assist in policing and responding to
21 emergency situations. Railroads are prepared to
22 contact first responders, county hazmat teams and
23 local police. Railroads have an active database,
24 which identifies key personnel along their system in
25 emergency situations. Railroad emergency plans

01 include the following: assessing assets and
02 vulnerabilities, threats and risks, determining
03 countermeasures and actions, setting up alert actions
04 and railroad actions, implementing, monitoring and
05 testing the plan, railroads Red Alert actions,
06 security instructions, tank car vulnerability tests
07 and participation in STRACNET, which is a Department
08 of Defense designed track to haul military equipment,
09 the American Association of Railroads Alert Network
10 that operates 24 hours a day, 7 days a week to provide
11 railroad companies notification of possible threats
12 and indicates the level of the threat.

13 More recently in 2004, the House of
14 Representatives passed House Resolution 273, which was
15 sponsored by the Speaker, directing the House Veterans
16 Affairs & Emergency Preparedness Committee to study
17 homeland security issues and, in particular, held a
18 hearing to discuss rail transportation of hazardous
19 materials that featured the testimony from railroads,
20 the chemical industry and railroad unions. While the
21 Committee has not yet completed its report, we are
22 confident that the report, when published, will reach
23 conclusions that are very similar to those reached by
24 PEMA and the PUC.

25 One of the most important differences

01 between the PUC/PEMA report and any report that could
02 be issued by the Legislative Budget and Finance
03 Committee is that the House Resolution 361 report came
04 from agencies with a direct role in homeland security
05 and railroad matters. The Legislative Budget and
06 Finance Committee, on the other hand, has a much
07 narrower role, to study all duties and functions
08 relating to the study of revenues, expenditures and
09 fiscal problems of the Commonwealth. The Legislative
10 Budget and Finance Committee does good work, I
11 understand, but I do not envision that organization to
12 be in the same league as PEMA and the PUC on the issue
13 of rail security.

14 Nor in the wake of House Resolution 361
15 report and the follow-up hearings by the Veterans
16 Affairs & Emergency Preparedness Committee under HR
17 361, do we believe that it is necessary to embark on
18 another potentially costly study that will likely
19 duplicate the conclusions of those done to date. We
20 have seen various versions of this Resolution and
21 other substantive Legislative proposals being pushed
22 by the Brotherhood of Locomotive Engineers, the BLE.

23 In fact, the rail industry, along with a
24 growing coalition of companies and associations
25 representing transportation, manufacturing and

01 chemical industries have been following the BLE's
02 Legislative proposals quite closely. It is most
03 unfortunate that most of our coalition efforts to date
04 have been directed at responding to a series of
05 falsehoods and misrepresentations regarding the
06 Commonwealth's rail security preparedness.

07 For instance, just last month, following
08 a derailment in Hershey, Pennsylvania, the BLE issued
09 a press release that included a quote from a senior
10 agency official regarding the merits of recognizing
11 rail workers as first responders. The problem, the
12 agency official expressly rejected the proposed quote.

13 Further, according to the Pennsylvania
14 Chamber of Business and Industry, an association to
15 which we proudly belong, the BLE has misrepresented
16 the Chairman's position on House Resolution 824 to a
17 series of policymakers, claiming the Chamber supports
18 it, when, in fact, the Chamber opposes it.

19 For some additional context, the BLE and
20 other unions are in the midst of collective bargaining
21 negotiations at the national level. Numerous
22 railroads and unions are involved in these
23 negotiations. And it is well known that these
24 negotiations have become contentious. It appears that
25 the BLE is attempting to affect the collective

01 bargaining negotiations by pressuring the railroads to
02 concede certain points in the wake of political
03 pressure. This is wrong.

04 At issue in the current railroad
05 negotiations are the efforts of the railroads to
06 implement a new technology called positive train
07 control or communications-based train management,
08 CBTM. CBTM uses global positioning system signals and
09 other inputs to determine a train's location and speed
10 and compares those data with the train's operational
11 authority. The system is designed to intervene if a
12 train is traveling over its speed limit or is about to
13 enter a segment of the track without permission,
14 including anywhere track is being worked on. It uses
15 several wireless methods to relay signals between the
16 controlling station and the train's onboard computers.

17 According to the Federal Railroad
18 Administration, which must approve the use of this
19 technology, human factors constitute the largest
20 category of train accidents, accounting for 38 percent
21 of all train accidents over the last five years.

22 Based on preliminary findings, the recent
23 derailment in McKean County, Pennsylvania, which
24 contaminated the Sinnemahoning-Portage Creek with
25 sodium hydroxide, was the result of human error.

01 According to a recent media report, both the engineer
02 and conductor were charged with improper train
03 handling and excessive speed.

04 Similarly, the Federal Railroad
05 Administration determined that the cause of the tragic
06 chlorine accident in Graniteville, South Carolina was
07 also a case of human error, failure to properly align
08 the switch for mainline movement when the crew was
09 going off duty.

10 Positive train control, which utilizes
11 several wireless methods to relay signals between the
12 controlling station and the train's onboard computers
13 is designed to mitigate, if not prevent --- prevent,
14 these types of accidents. We would welcome the
15 support of the Commonwealth in developing this and
16 other safety-related technologies.

17 In conclusion, our nation's railroads,
18 including those that operate in Pennsylvania, maintain
19 a comprehensive federally-reviewed security plan and
20 countermeasure management system, augmented with
21 progressive community and employee training programs.
22 These state-of-the-art security and training programs
23 often exceed federal requirements, which is consistent
24 with the railroad industry's efforts to remain at the
25 forefront of identifying and proactively seeking

01 solutions for rail security issues.

02 If the industry is in any way at fault
03 with respect to rail security and safety, it is that
04 they have not more aggressively told this impressive
05 story of success. We will continue those education
06 efforts in the weeks and months ahead and we will not
07 allow the BLE and their allies to tarnish the
08 well-deserved reputation of the railroads in the area
09 of safety and security.

10 Now, I will turn it over to Gabe Treesh
11 to further explain the lengths the railroads have gone
12 to to bolster rail security and provide training for
13 railroad employees and for first responders.

14 CHAIR:

15 Thank you.

16 MR. TREESH:

17 Thank you, Randy. Mr. Chairman and
18 members of the Professional Licensure Committee, my
19 name is Gabriel Treesh. I'm Manager of Public Safety
20 and Environment for CSX Transportation. I'm
21 responsible for strategic communications related to
22 rail security and hazardous material transportation.
23 I'm pleased to be here to share with you, on behalf of
24 CSX Transportation, an overview of our rail security
25 program.

01 In the 1,600 days since September 11th,
02 CSX Transportation, as well as the rest of the rail
03 industry, has made significant advances in the field
04 of rail security. Since these events, CSX has
05 developed a comprehensive security program, which is
06 composed of three primary elements: planning, security
07 technology and training.

08 CSX operates an expansive network. We
09 operate in an outdoor environment, and accordingly,
10 security planning and strategic intelligence
11 relationships are a critical element of our overall
12 security program. To quantify this, CSX operates
13 approximately 22,000 miles of track transporting
14 freight through 23 states, 700 counties and 13,000
15 jurisdictions, as well as the Canadian Provinces. As
16 we begin to evaluate how best to protect this
17 extensive network, we recognize that it is vitally
18 important to evaluate the entire network and identify
19 those assets most critical, where the strategic need
20 was the greatest.

21 In addition to physical plans that came
22 into this assessment, CSX also developed strategic
23 intelligence relationships so that we may keep
24 informed of the most current threat to the American
25 rail network.

01 Allow me to elaborate on these planning
02 and intelligence activities. Immediately after the
03 events of 9/11, CSX and the other major North American
04 railroads convened under the American Association of
05 Railroads, and with guidance from security experts,
06 evaluated the entire infrastructure of our rail
07 network to determine which assets were most critical
08 to the continuity of rail operations.

09 CSX then compiled a list of critical
10 assets into a security plan complete with alert level
11 and asset specific countermeasures. These
12 countermeasures are managed by highly trained field
13 officers in utilizing online secure countermeasure
14 management system. This system allows CSX to
15 immediately monitor the implementation of
16 countermeasures in the field and ensure completion
17 from a central location in the event there is a rise
18 in alert level. CSX augments our security plan into
19 extensive security relationships, which help security
20 officials within our company stay informed of the most
21 current threat to rail security known to the various
22 security agencies within the United States. In fact,
23 a rail industry representative sits on the National
24 Joint Terrorism Taskforce in Washington, D.C. and
25 serves as a conduit between the railroads and that

01 task force.

02 Additionally, CSX Rail Police are active
03 in a variety of local and state joint terrorism task
04 forces. CSX Police work closely with the
05 jurisdictions through which they operate under
06 memorandums of understanding to work in conjunction to
07 keep the rail network in that area secure. CSX also
08 offers first responders, in areas where we operate,
09 the opportunity to tour our facilities and become
10 familiar with the operations.

11 A final component of this planning a
12 strategic relationship maintenance finally provides
13 --- finally provide bona fide and first responder
14 agencies a density study of the top hazardous
15 materials that we operate through their area so that
16 they may best understand and prepare for response to
17 those commodities. While these planning and
18 prevention activities are important to our security
19 programs, CSX also utilizes security technology to
20 actively monitor those assets which are determined to
21 be the most critical. CSX is continuously evaluating
22 technology, which may further enhance rail security.

23 Currently CSX utilizes technology capable
24 of remotely monitoring fixed assets as well as
25 technology for monitoring rolling stock. The most

01 critical assets, those assets closest --- in closest
02 proximity to the highest volume of sensitive
03 receptors, CSX has invested in a remote alarm and
04 surveillance camera systems. These systems will
05 generate an automatic alarm in the event the security
06 of one of these critical areas is violated by either a
07 trespasser or a left object. And this feeds into the
08 Public Safety Coordination Center, which has access to
09 first responders in the areas where these alarms would
10 be potentially generated.

11 In addition to monitoring our fixed
12 assets, CSX utilizes asset-tracking technology capable
13 of monitoring specific commodities on our network.
14 This technology is specifically useful in the event
15 intelligence requires either a commodity or a
16 geographic-specific response.

17 Finally, our planning and security
18 technology are further augmented with extensive
19 employee and first responder training programs. I'll
20 begin with our employee training programs. While it
21 could be said that the training programs are not
22 sufficient, I would like the opportunity to
23 demonstrate how active and engaged we have been in
24 employee training activities. CSX has developed a
25 training and awareness campaign called the Three-Hour

01 Approach. This teaches employees to recognize
02 suspicious activity, record all the pertinent details
03 of that activity and report it to the appropriate
04 agency, whether it be our Public Safety Coordination
05 Center, which acts as a rail 911 center, or whether
06 that emergency is so immediate that they need to
07 contact a local 911 center directly.

08 All employees receive this training
09 annually, and also we have regular updates through a
10 variety of sources including the direct training,
11 daily job briefings, security posters and regular
12 security awareness manuals. Additionally, those
13 employees responsible for security plan implementation
14 receive advanced training in countermeasure management
15 system navigation and countermeasure implementation.
16 This is also strengthened with participation in
17 various drills and exercises.

18 For those employees who may be involved
19 in the transportation of hazardous materials, CSX is
20 dedicated to training and testing those employees at
21 least annually in hazardous materials annually. This
22 is also mandated within 49 Code of the Federal
23 Regulations Part 172.

24 CSX not only believes in training our
25 employees, but we are also dedicated to reaching out

01 to first responders wherever possible, offering
02 training for emergency response to rail incidents.
03 CSX employees offered this training firsthand
04 throughout many of the areas where we operate.
05 Recognizing the importance of this training and with
06 all the positive feedback we've received from this, we
07 wanted to be able to do more. And accordingly,
08 developed a self-study program booklet and DVD that we
09 mail out free of charge to first responders in areas
10 where we operate. Since the inception of this program
11 in November, we have mailed out over 40,000 items of
12 this material and in excess of 6,000 in Pennsylvania
13 alone.

14 In closing, allow me to reiterate. CSX
15 is focused and dedicated to security. CSX does have a
16 comprehensive security program. CSX is tied into the
17 U.S. Intelligence System. CSX does employ security
18 technology. CSX does have a central 911 center for
19 reporting rail incidents. CSX is dedicated to
20 employee training and we are dedicated to first
21 responder outreach. I will now turn it over for
22 questions.

23 CHAIR:

24 Thank you very much. Any questions?

25 REPRESENTATIVE WANSACZ:

01 Randy and Gabe, thank you for testifying.
02 I don't know if you can answer these questions. I'm
03 not sure who the best one would be. I'm just trying
04 to get a general idea. If you're traveling through
05 Pennsylvania and you have chemicals on one of the
06 trains in which you're handling, say, they're
07 hazardous chemicals, do you contact the counties of
08 which you're going through to say, hey, we're coming
09 through, in case there's any problems? Is that how it
10 works?

11 MR. TREESH:

12 Well, if you look at our network, on any
13 given trip, we could travel through a very extensive
14 variety of counties. I mean, we operate through
15 13,000 jurisdictions. The idea of prenotification has
16 been answered thus far by the fact that we do provide
17 first responder agencies, what we call a density of
18 study of the top 25 hazardous materials that we
19 operate through the community for planning and first
20 response.

21 REPRESENTATIVE WANSACZ:

22 So that would be ---.

23 MR. TREESH:

24 That is actually through a community
25 awareness emergency planning guide that goes through

01 all the specifics of rail operations. And in the back
02 of it offers the opportunity that they can call us
03 directly and request for a specific area, a density
04 study of the chemicals that move through those areas.
05 So it is as-request basis. We mailed out one of those
06 to every one of the 13,000 jurisdictions where we
07 operate. And on an annual basis receive approximately
08 50 or so requests for those density studies.

09 REPRESENTATIVE WANSACZ:

10 So for example, in much of rural
11 Pennsylvania, we have volunteer fire companies.
12 They're our first responders.

13 MR. TREESH:

14 Yes.

15 REPRESENTATIVE WANSACZ:

16 But we also have --- a lot of counties
17 that are local 911s. So that's what I'm wondering,
18 who would you contact? Would you contact them or
19 would you try to --- obviously you contact the county
20 who would then put out the alert. What I'm concerned
21 about is on the local volunteers who may not know
22 what's happened or how that works out? Gabe, I'm
23 sorry for interrupting.

24 MR. TREESH:

25 We do train volunteer fire fighters, as

01 well as city firefighters, with our emergency response
02 to rail incidence training. They are all open to
03 receive and request density studies on hazardous
04 materials which we transport.

05 REPRESENTATIVE WANSACZ:

06 And the training, what would that
07 pertain? How would that --- how would it work? Would
08 you come out, or again, just send them a booklet that
09 says this is what you have to look for? What ---?

10 MR. TREESH:

11 When resource allows, we have been very
12 active in getting out into the communities, but
13 unfortunately, we don't have the blank checkbook and
14 we don't have unlimited resources, so we have
15 developed these self-study programs with the booklet
16 and DVD that we'll send to anybody. As opportunity
17 allows, we could go out in person and give a full-day
18 training that goes through a basic railroading
19 one-on-one. It talks about our signal system. It
20 talks about tank car construction. What is and is not
21 normal. If you see something happening with a tank
22 car, for example, there are certain tank cars that you
23 would see a cloud coming from them where it's
24 absolutely normal, like carbon dioxide cars venting
25 normally and things like that. So we basically go

01 through a --- either in person, a full-day training,
02 or via the DVD program. It's condensed as possible,
03 the complete as possible version of that training
04 program would be.

05 MR. CHEETHAM:

06 And in addition to that, we also do mock
07 crashes and we do drills with local emergency
08 management organizations.

09 REPRESENTATIVE WANSACZ:

10 I noticed when I was reading through the
11 one part about the --- I believe it was South
12 Carolina, and I believe you might have said in your
13 testimony, that was caused by human error?

14 MR. CHEETHAM:

15 Yes.

16 REPRESENTATIVE WANSACZ:

17 Well, unfortunately, most of our
18 accidents out there, whether it's train, automobile
19 ---

20 MR. CHEETHAM:

21 Exactly.

22 REPRESENTATIVE WANSACZ:

23 --- is caused by human error. But what
24 I'm wondering, with that taking place, do you believe
25 the engineers that are driving have the necessary

01 training involved if theirs is an accident to be able
02 to handle that?

03 MR. TREESH:

04 Yes. The hazardous material training
05 goes over how to respond to the event that is in the
06 form of a chemical release. And the response is, take
07 yourself out of harm's way. We have hazardous
08 materials managers as well as training hazardous
09 material community first responders that know how to
10 deal with those incidents. There isn't an amount of
11 hours of training that you can go through to fully
12 prepare you to become a hazardous material manager.
13 We --- I personally have been through an entire week
14 of intensive training in Pueblo, Colorado. And that
15 only begins to touch the tip of the iceberg of what
16 you need to know. When you're in and around these
17 chemicals, the safest absolute thing you can do is if
18 you see a chemical that looks dangerous, get away from
19 it. If you see a plume, get away from it. And yes,
20 they are trained in that respect. The other training
21 that they receive is an immediate contact to the
22 appropriate authority. That contact takes place as
23 such, in the event there is a train incident, they
24 call the dispatch center. The dispatch center sits
25 adjacent to our public safety coordination center that

01 has a widely publicized 1-800 number that we transmit
02 to our employees through all of our security awareness
03 training on a regular basis. And they work then to
04 first responder communities as we dispatch both our
05 hazardous material employees. Our embedded first
06 responder contractors go through extensive op
07 processes on our behalf. And those first responders
08 who we likely have already trained or have close
09 relationships with. So the employees do --- are
10 trained to understand how to respond to an incident.
11 One of the most important things that they can do is
12 immediately get the paperwork in the hands of the
13 first responders so those first responders understand
14 the chemicals that are on that train.

15 REPRESENTATIVE WANSACZ:

16 Okay. Now, we've heard previous
17 testimony that maybe the employees that are on the
18 train believe that they need more training but more
19 --- also probably oxygen or something. For example,
20 if they are traveling with dangerous chemicals and
21 things become airborne, it could be dangerous. Is
22 that something that you provide, or as Representative
23 Gannon said, some type of a kit to ensure that their
24 safety is being taken into consideration?

25 MR. TREESH:

01 Well, again, with the training, we put
02 together our security awareness training. We actively
03 engaged local level leadership within the unions,
04 reviewed with them the training program that we have
05 put together. And we asked is there anything more we
06 can do. And the answer was no. When I go out to the
07 field and I speak with the employees, I ask, have you
08 received the security awareness training. And they
09 say yes, can you quit sending me that stuff. It is
10 extensive the amount of training that we put forth.
11 All of our employees understand our 800 response
12 number. They understand the procedures by which they
13 would go through.

14 As far as having a respirator onboard,
15 there's a lot involved with that. To be qualified to
16 wear a respirator, you must be fit tested, be clean
17 shaven and able to at any point don that respirator
18 with a clean shave. We haven't gotten into
19 necessarily requiring that all conductors and
20 engineers are free of facial hair out on --- out on
21 tracks. Additionally, it's something that we haven't
22 yet got into. It's not necessarily out of the
23 question, but again, even that would require further
24 negotiation. So ---.

25 REPRESENTATIVE WANSACZ:

01 So you're telling me to wear an oxygen
02 mask, you can't have any facial hair?

03 MR. TREESH:

04 That's correct. For it to be effective
05 with the commodities that we deal with. The
06 commodities called toxic violation hazards that we
07 deal with that would most quickly impact a conductor
08 or engineer have relatively low odor thresholds. So
09 you can smell when --- you get a very distinctive
10 bleach smell in the area. And if you follow the
11 training, they will have time to evacuate.

12 REPRESENTATIVE WANSACZ:

13 If you are transporting a toxic chemical
14 and you know the sites already, I'm assuming, that are
15 --- probably are most harmful sites; correct? And so
16 do you then contact any of our local county emergency
17 services that you're going to be coming through with
18 this, if it's essentially coming through one of those
19 most vulnerable areas, so that they can be on alert
20 for the heightened awareness in case something does
21 happen, or is that something that you don't do?

22 MR. TREESH:

23 It is not something we currently do, nor
24 is it something that has been highly requested by the
25 first responder community. They are quite aware of

01 the commodities that we do have on an aggregate level,
02 and thus that has been sufficient. Unless they are
03 going to put an officer on every car as it comes
04 through, we have yet to find the benefit of that form
05 of prenotification.

06 REPRESENTATIVE WANSACZ:

07 No. I'm talking about you probably are
08 aware of this certain bridge, this certain site that
09 is --- has the potential to be very dangerous and it's
10 most vulnerable. You don't --- you don't --- again,
11 you wouldn't call the county or something and say, we
12 are coming through with this very toxic chemical, this
13 is something that, you know, you should be under a
14 watch of. I mean, this is probably something that
15 could be done just through local police or state
16 police.

17 MR. CHEETHAM:

18 Maybe you can walk through the threat
19 assessment vulnerability study and the extra
20 precautions that we have stepped up in those places,
21 such as the security cameras and the motion detectors
22 and things of that nature.

23 MR. TREESH:

24 We have assessed the entire rail network,
25 as I have mentioned, and identified those critical

01 assets. They're housed within our security plan. And
02 in the event that we step up in a local level, we then
03 enact the sort of countermeasures for those assets.
04 Beyond that, the first responders are quite aware of
05 the materials that we move through that area. We also
06 openly share with the state agencies of interest,
07 primarily the Department of Homeland Security, the
08 state level, those assets which we deem to be most
09 critical forms in planning as well. But of course
10 those are --- those are all components of information
11 that have to be handled very sensitively as it's
12 security-sensitive information.

13 REPRESENTATIVE WANSACZ:

14 And I can understand that. But what I'm
15 also trying to realize is, God forbid it never does
16 happen, but if there is, time is of the essence. You
17 know you're still going to have to give a call. And
18 again, given that it's a rural area, as much of
19 Pennsylvania is, these are volunteer fire fighters,
20 there's nobody in here ready to go. This is something
21 that you get called on. So this is just something
22 that maybe, you know, the local, which it is, at a
23 full-time position for the local counties can have
24 somebody there just watching and be on a little bit of
25 heightened security. I don't know if that's ever a

01 thought. Coming back now to annual training, so when
02 you guys do your own training, it's just sending out a
03 booklet, a piece of paper saying there was actually a
04 class on saying this is some of the stuff that you
05 might want to watch for. These are new ways that it
06 comes from to your employees that help secure a safe
07 transport? That's something you try and get in that
08 annual training. The slips of paper --- I get tons of
09 paper sent to my office every day and can tell you I
10 don't look at all of them.

11 MR. TREESH:

12 Security and hazardous materials are
13 handled in person in the annual training and then
14 augment that are the daily job briefings, the
15 mailouts, the posters and the daily conversations with
16 the employees.

17 REPRESENTATIVE WANSACZ:

18 Thank you.

19 CHAIR:

20 Thank you, Representative Wancasz. I'm
21 not --- again, I'm not necessarily concerned, but the
22 focus isn't necessarily on alerting the community
23 every single time, you know, a train goes through
24 that's carrying, you know, what to you would be
25 routine cargo. And that's not an issue. But what I'm

01 --- what I would like to get a response to is --- and
02 the reason I say this, my district has two rail lines
03 that go through it, the north/south passenger rail
04 from Washington, south --- south Philadelphia, north
05 of Philadelphia, also I have a major freight line that
06 goes through there. I don't know whether CSX is on
07 that line or not. But hypothetically, if, for
08 example, there were a derailment and there was some
09 toxic chemicals on that or hazardous chemicals
10 included in the freight on that train, your crew has
11 gotten its training, they --- who would they notify
12 first? It's the same as if something, whether it's
13 explosions, and the whole community, this is something
14 that is hazardous, it's dangerous, and people have to
15 be notified. What's the first thing that the crew
16 would do with respect to notification? Do they go to
17 your dispatcher?

18 MR. CHEETHAM:

19 They would notify our dispatcher, and our
20 dispatchers are located directly beside our Public
21 Safety ---.

22 MR. TREESH:

23 Coordination Center.

24 MR. CHEETHAM:

25 But anyway, our Public Safety

01 Coordination Center ---.

02 CHAIR:

03 Before you say it, I don't mean to be
04 discourteous. I just want to interrupt to get
05 clarification. How does the locomotive --- I guess,
06 it would be the engineer or conductor or whatever, how
07 do they notify the dispatcher? How is that done?

08 MR. TREESH:

09 They get on their train radio.

10 CHAIR:

11 So they have a train --- they have a
12 radio on the train ---

13 MR. TREESH:

14 Yeah.

15 CHAIR:

16 --- that they can then ---?

17 MR. TREESH:

18 Yeah. And they get ahold of them and
19 they immediately contact the Public Safety
20 Coordination Center that had direct access to all of
21 the first responders along our network. In major
22 areas like Philadelphia, Pittsburgh, places like that,
23 we have memorandums of understanding with these ---
24 with the police departments, the fire departments, you
25 know, all of the first responders. So these are

01 people that we deal with on a regular basis.

02 CHAIR:

03 Okay. Now, let me stop you.

04 BRIEF INTERRUPTION

05 CHAIR:

06 Now, the train crew has notified the
07 dispatcher. He's notified the Safety, whatever they
08 are, next door --- next door to them. Now, you have a
09 situation in the community, and they would have to---
10 who do they notify next in that local community? What
11 I'm concerned with, if I am the local --- and most
12 local are volunteer firefighters. And I get a call
13 from some railroad safety office. They say, look,
14 we've had an incident in your township or community or
15 whatever, and you know, we need people to go to it.
16 Do they tell them at that point in time, there is ---
17 it's chlorine on this train, so chlorine is a gas that
18 mixes with water, causes problems, or whatever happens
19 with chlorine when it's spilled, so when those first
20 responders arrive on the scene, they have some
21 knowledge beforehand of what they're going to be
22 confronted with? How does that --- how does that
23 work?

24 MR. TREESH:

25 Several things happen there. There are

01 multiple amounts of ways in which first responders can
02 gain access to what is on the train. Oftentimes when
03 an incident occurs, we get multiple reportings at the
04 same time, train incidents are not quiet by any means.
05 So oftentimes, before the train crew has even
06 contacted our Public Safety Coordination Center,
07 police and fire have been notified. Something in
08 those rail tracks in my backyard or a mile down the
09 road, a mile and a half down the road --- you can hear
10 these things three miles down the road, has happened.
11 You may want to get out there. So you have multiple
12 reportings happening at the same time. First
13 responders immediately dispatch to the scene. They,
14 through our training and through their training are
15 trained to get to that crew, get to the paperwork that
16 clearly delineates what commodities are on that train.
17 The hazardous materials training that those first
18 responders should have already received, in addition
19 to the emergency response guide books that they have
20 will clearly delineate for each chemical what response
21 is necessary. This is chlorine, here's how you
22 respond to it. Here is your radius of evacuation.

23 Once they've responded to that, they
24 quickly assess whether or not there's been a release
25 of any dangerous commodity, and running door to door

01 response, begin making decision whether or not that
02 evacuation is necessary. Many times as rail personnel
03 are showing up at the scene, even if it's within a
04 short time of the incident, you already have your
05 first responders on scene, aware of the commodities
06 from the train crew that are there making that
07 appropriate evacuation decision.

08 Additional resources they have are
09 agencies like Chemtreck, who is a subset of the
10 American Chemistry Council. The Chemtreck number is
11 posted on the majority of chemical shipments on the
12 paperwork, as well as printed on the railcar. And it
13 is an 800 number to this coordination center. It has
14 on task, doctors, hospitals, toxicologists, anybody
15 and everybody you would need as a resource to
16 understand how best to not only respond to setting up
17 an evacuation perimeter or how to respond to actually
18 treatment of any form of exposure.

19 Transporting chemicals is something that
20 we have dealt with for a long time. And it's
21 something that we have long since proactively looked
22 at procedures so that we can make sure first
23 responders are engaged and trained for any possible
24 commodity they can come across.

25 CHAIR:

01 I just wanted to note that with respect
02 to that derailment in Derry Township, which would have
03 been Hershey, your overall response was very, very
04 quick. I don't know --- it wasn't --- I don't know
05 --- the railroad was not CSX. But I'm assuming that
06 everybody would just have the same procedure. But I
07 do note it was probably a combination of people seeing
08 something happen, plus the ability to notify and
09 having people respond. But anyway, the bottom line is
10 it was very quick, and there was no injury. And it
11 was done very well. The cleanup was --- it took some
12 while, but at least it was something that was handled
13 efficiently, and there wasn't an injury. That's
14 probably the most important part.

15 But one of the things that I just ---
16 that intrigued me, too, was with respect to the crew.
17 And we talk about the oxygen or some type of ---
18 depending upon the cargo, some type of safety
19 equipment. And not only the safety equipment, I mean,
20 it's easy to tell somebody, you know, there's a fire
21 in your house and you better get out of that house or
22 you know, there's gasoline leaking all over the
23 service station, don't stand there and continue to
24 fill your car. You would get out of there. And
25 that's common sense. But unfortunately, people, and

01 particularly people that work in dangerous situations,
02 they don't have that luxury. They've got the common
03 sense. And escape is, of course, human nature from
04 danger. But you have to have time to escape, you
05 know, while you're --- when you're in that dangerous
06 situation. So isn't there, other than --- let's
07 assume, just for purposes of argument, that it's
08 something --- let's say it's chlorine, and you have
09 to, you know, --- if you're in the midst of a chlorine
10 cloud, it can cause some serious injury and death.
11 But other than telling somebody, you know, you better
12 get out of there and don't breathe the chlorine, that
13 you have some state-of-the-art equipment. I'm sure
14 there's something other than a mask that you can't use
15 if you're not clean shaven that would give you a
16 couple minutes, which could be the difference between
17 life and death, of oxygen supply to escape. And I
18 just wondered if, you know, is that true that there is
19 no federal regulation or rule that requires that type
20 of equipment or a kit beyond training? And I use my
21 own illustration, on the turnpike, we have stops on
22 the turnpike, and in those stops are emergency
23 showers, because we have truck transit that's probably
24 carrying similar chemicals that the railroad industry
25 carries. And if something happens to one of those

01 drivers or one of the assistants on the truck, they
02 can go over to one of those stops and get immediately
03 into a flushing shower and hopefully prevent injury or
04 further injury. I'm just wondering if --- is there no
05 federal regulation requiring that? And if not, do you
06 know why not?

07 MR. TREESH:

08 There is no federal regulation requiring
09 specific personal protective equipment, such as
10 respirators. There are other forms of personal
11 protective equipment for protecting the body from all
12 hazards that are required by the federal government.
13 There are, although, Department of Transportation
14 guidelines that seek to put those commodities at a far
15 enough distance from the train crew to allow limited
16 exposure and maximize escape time in the event that an
17 event were to occur.

18 These tank cars that transport the most
19 dangerous commodities are three-quarters of an inch
20 thick of steel, and it requires a tremendous force to
21 make even the smallest puncture or release from one of
22 these cars. When released, it is typically a
23 relatively slow release. And there have been very,
24 very, very minimal instances where you have
25 catastrophic release of these commodities. So thus

01 far, there are currently in place, Department of
02 Transportation rules and regulations that require
03 placement and training, such as to protect the train
04 crew by providing a distance and thus maximizing escape
05 time.

06 CHAIR:

07 With respect to the railway police that
08 work for --- other than the regional Transit
09 Authority, do your folks have similar --- let's take a
10 law enforcement guard, let's put it that way, it is
11 very similar ---?

12 MR. CHEETHAM:

13 Yeah, they're law enforcement authority
14 within the Commonwealth, it would be the same as SEPTA
15 Police.

16 CHAIR:

17 They're jurisdiction is ---?

18 MR. CHEETHAM:

19 They would all be under the Railroad
20 Police Act or whatever.

21 CHAIR:

22 So whatever --- but it has to be related
23 to the operation of the railroad?

24 MR. CHEETHAM:

25 Correct. They can't give away parking

01 tickets, which is good, because they don't have to
02 worry about it, so ---.

03 CHAIR:

04 Okay. Thank you. Oh, I know what I
05 wanted to ask. From the gist of your testimony, I get
06 the impression you're not embracing this Resolution
07 wholeheartedly, but from a technical standpoint and
08 because of the context of this hearing is really
09 informational, is there any suggested changes that you
10 would make to the Resolution to narrow its focus or
11 broaden it or be more specific? And what I'm getting
12 to is, when I wrote this Resolution, my intent was not
13 necessarily to deal with, you know, security issues
14 and whether you had enough police or not enough
15 police. Although that's very interesting and that and
16 you know, all you who work at the federal and state
17 levels. But my --- the thrust of my concern was post-
18 incident, what plans and what programs are in place.
19 And we talked about it a little bit, how you get to
20 your --- your communication, your dispatching, then it
21 gets to the local community, the information they
22 need. I was not aware of that initial call. Do you
23 have information about that, the cargo? So if I'm a
24 local responder --- I assume you say first responder,
25 you mean the local fire department and police

01 department or it's volunteer, the local ambulance and
02 the EMTs. That they would know to go to a certain
03 location on the train immediately to get access to
04 what's on that train and what they have to do if
05 there's a spill or some hazard that they want to
06 minimize. So that was very helpful. But getting back
07 to the Resolution. Where I want the focus to be, and
08 that's what my intent was, on you know, what are we
09 doing to minimize injury and damage after the event.
10 And as Representative Wansacz pointed out indirectly,
11 these things are going to happen, and we don't want to
12 have accidents, but they do happen, and we've got to
13 do a lot of prevention, which apparently there's been
14 a lot of work on the railroad, not you personally.

15 MR. TREESH:

16 We're getting there.

17 CHAIR:

18 You have been involved with it. But with
19 respect to minimizing post-event consequences, I guess
20 that's really ---.

21 MR. CHEETHAM:

22 One of things I'd like to comment on as
23 far as earlier about what was going on with the
24 various agencies. It was alluded to that there's been
25 a falling off of interest among the various agencies

01 since 2004. And you know, PennDOT, PEMA and the PUC
02 have put together a rail security task force. They
03 had their initial meeting, I believe, about two months
04 ago, maybe six weeks, I'm not absolutely --- where
05 they organized and they're in the process of
06 developing a mission statement. And as a matter of
07 fact, two weeks ago, prior to the Rail Freight
08 Advisory Committee, Gabe came up from Jacksonville,
09 and we met with this committee, and he went through a
10 very thorough rail security, here's what CSX is doing.
11 And I believe it's the mission of this committee to
12 thoroughly assess what is going on with rail security,
13 where we stand, and this is not just from an industry
14 standpoint, but from the unions, from the shippers,
15 you know, all of the stakeholders that are going to be
16 collecting information and testimony and then come
17 back with the recommendations to we need to do this or
18 we need to do that. And so that --- that is ongoing.
19 I know Sharon DeBoing (phonetic) is pretty much
20 heading that up. So you may want to check with
21 PennDOT to get additional information on their
22 activities, because I think you will find that they
23 will address everything you're looking for in this
24 Resolution. And you know, being that that they are
25 the regulatory agencies that deal with these issues, I

01 think they're very well positioned to make an
02 assessment.

03 CHAIR:

04 You correctly pointed out in your
05 testimony that this Resolution calls on an agency
06 that's independent of the Legislature to undertake the
07 study. The way it works is that committee wouldn't
08 necessarily do the study on its own. It's not an
09 investigatory committee. They would then contract
10 out, so to speak, to an entity to actually do the
11 study, somebody who would be, quote, an expert in the
12 area, which I am not. But the idea is to try to have
13 a third party who is not involved in the process.
14 Sometimes when we read something that we've written we
15 only read what we want to read, you know, we tend to
16 be a little bit --- we have rose-colored glasses on.
17 And my idea was to have somebody who is not
18 necessarily involved in the process but could then
19 take a much more objective view and perhaps come up
20 with some ideas, as SEPTA said, you know, we're
21 looking for anything easier that can be cost effective
22 and work. And I think the commonsense approach is to
23 post-event planning and post-event minimization of the
24 consequence. And that's really what the focus will
25 be. So I think there's a little bit of a difference

01 here than having, you know, a committee doing the
02 investigation or somebody's who's involved in actually
03 --- who's involved in the day-to-day handling of the
04 daily operation or whatever. And so my idea was to
05 have somebody that would be outside the loop, so to
06 speak, looking in and making --- and giving us some
07 thoughts and ideas and recommendations. Any further
08 --- anything further? You can have the last word.

09 MR. CHEETHAM:

10 Thank you very much.

11 CHAIR:

12 Well, thank you very much for being here
13 again, and we appreciate your coming before us and
14 providing the testimony. It's been very helpful and
15 very informative. Thank you very much.

16 MR. CHEETHAM:

17 Thanks.

18 CHAIR:

19 We would like to thank the Delaware
20 County Community College for providing these
21 facilities this afternoon. It's been very --- they've
22 been very helpful, and this isn't the first time
23 they've done it, and they're always very kind. In
24 addition, there is a small luncheon in the adjacent
25 conference room if anybody would like to stop over and

01 have a bite to eat, they're welcome to join us for
02 that. That will be immediately after this hearing
03 adjourns. Is there anything further to be brought
04 before the Committee? With that, this meeting is
05 adjourned. Thank you very much.

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07 HEARING CONCLUDED AT 12:55 P.M.

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