The Florida Senate

Interim Project Report 2004-151 *November 2003*

Committee on Home Defense, Public Security, and Ports James E. "Jim" King, Jr., President

GROUND/LINEAR TRANSPORTATION SECURITY

SUMMARY

In response to the terrorist attacks on September 11, 2001, Congress passed the Aviation and Transportation Security Act on November 19, 2001, creating the Transportation Security Administration (TSA) within the United States Department of Transportation (USDOT). On March 1, 2003, TSA became an agency of the Department of Homeland Security. The TSA is responsible for security in all modes of transportation.

Security of transportation assets has been initiated federally with states and local governments following the federal governments lead. By federal law, the security of all modes of transportation is the responsibility of TSA. However, as TSA has struggled with the monumental task of first securing airports, modal administrations within USDOT have been examining security threats to the modes they regulate. Some security standards, such as those for bus transit agencies are voluntary, while the transportation of hazardous materials requires a security plan. None of the federal requirements for the linear transportation system are as comprehensive, or as closely enforced as those required for the containable environment of an airport or seaport.

It appears all modes of transportation employ best practices in providing security for assets and customers in order to protect large investments in their respective systems. Any attack or threat of attack on the freight industry affects the bottom line of the industry and those served. Customers who depend on the freight industry for tightly managed or "just-in-time" delivery of goods can suffer significantly when deliveries are delayed. Therefore, freight shippers have an economic incentive to ensure their respective systems are as secure as feasible.

BACKGROUND

This report will examine the federal response to terrorist threats to this Nation's linear transportation facilities (transit, pipelines, and the transportation of hazardous materials on highways and rail) and how Florida has adapted to the new federal security standards. This report will first look at what makes each mode a unique security concern and will look at the expedited evolution of security requirements and standards for each mode since September 11, 2001.

In response to the terrorist attacks on September 11, 2001, Congress passed the Aviation and Transportation Security Act on November 19, 2001 (Pub. L. 107-71, 115 Stat. 597) creating the TSA within the USDOT. On March 1, 2003, TSA became an agency of the Department of Homeland Security (DHS). The TSA, according to 49 U.S.C. 114(d), is responsible for security in all modes of transportation.

According to the United States General Accounting Office (GAO), in practice, TSA has been consumed with the painfully obvious and immediate threat of aviation security. While TSA has been focusing on aviation security, USDOT modal administrators have been enhancing already existing security standards and requirements, and launching various security enhancing initiatives. One of the few commonalities shared by each mode covered in this report is that, by design, they are open, uncontainable environments and therefore vulnerable.

Transit

Transit systems, such as buses and commuter rail, are inherently open environments. They are designed to move large volumes of people quickly through an urban area, or from one locale to another. In order to work efficiently and compete against vehicular traffic, transit systems must provide convenient access to passengers. Years of bombings and assaults in Europe, the Middle East, India, and Latin America have

demonstrated the inherent susceptibility of the public transportation infrastructure to a broad range of terrorist methods and weapons.

For more than a decade, the USDOT's Federal Transit Administration (FTA) has supported transit programs for security and preparedness through training, research, guidelines and regulation. Since 1998, the FTA has required all rail transit agencies to document their security and preparedness programs in System Security Program Plans (49 CFR Part 659), which are reviewed and approved by state oversight agencies. The oversight agency for Florida is the Florida Department of Transportation's (FDOT) Transit Office.

While FTA requires security for all rail transit agencies, it does not require security programs for bus transit systems. The FTA does offer guidelines for bus transit safety and security, and Florida has adopted the safety requirements. Section 341.061, F.S., requires bus transit systems to certify compliance with those safety standards. However, Florida Statutes do not specifically require security standards for bus transit systems.

On December 17, 2001, FTA began deploying expert security assessment teams to the 32 largest transit agencies (including some in Florida, the results of which will be discussed in the Findings section of this report). The teams performed threat and vulnerability assessments to assess the security gaps, and make specific recommendations to reduce risks to acceptable levels. In addition, the teams assessed the agencies' emergency response plans and the coordination of their emergency response efforts with associated fire, police, and other emergency response agencies.

FTA also deployed technical assistance teams to provide hands-on assistance to transit agencies as they develop and refine their emergency response plans in light of their security assessment findings and heightened terrorist threats. These plans are intended to provide guidance for action in the wake of an attack.

In addition to having an emergency response plan in place, FTA recommended every transit agency conduct regular emergency drills to keep skills sharp, update response plans, and build personal relationships with counterparts in the police, fire and emergency medical response organizations. FTA has made available to the top 100 agencies grants of up to $50,000, for organizing and conducting emergency preparedness drills.

The FTA also launched the "Connecting Communities: Emergency Preparedness and Security Regional Forums." The first forum was held in May in Orlando, Florida, and continued in 16 additional cities across the country. Forum registration was offered at no charge. The forums were designed to bring together small to mid-size transit agency management and security personnel; police and fire personnel responsible for emergency management coordination; emergency medical services and hospital disaster relief coordinators; and state and local government emergency management coordinators. In addition, FTA is working with the Transportation Safety Institute and the National Transit Institute to expand current course offerings to a broader audience.

Transportation of Hazardous Materials (Commercial Trucks and Rail)

After September 11, 2001, and prior to the creation of the TSA, the USDOT began a comprehensive review of programs related to the transportation of hazardous materials. The USDOT continued to regulate the transportation of hazardous materials after the creation of TSA. The USDOT established the Hazardous Materials Direct Action Group, and the USDOT Intermodal Hazardous Materials Transportation Security Task Force. These groups met with the hazardous material industry, the emergency response community, and state governments. Based in part on the recommendations of those two groups, on February 14, 2002 the USDOT published an advisory notice to inform shippers and carriers of voluntary measures that could be used to enhance the security of hazardous material shipments.

On March 25, 2003, the USDOT's Research and Special Programs Administration (RSPA) published a final rule under Docket HM-232 (68 FR 14510). The final rule requires persons who ship hazardous materials to develop and implement security plans. In developing the rule, RSPA assessed the security risks associated with the transportation of different quantities and classes of hazardous materials and concluded which materials pose the highest security risk.

Commercial Trucks

The USDOT's Federal Motor Carrier Safety Administration (FMCSA) and the RSPA, are responsible for the regulation of commercial trucks transporting hazardous materials. While FMCSA's core responsibility is safety, the FMCSA took the

initiative in enhancing security requirements while TSA was still in its infancy, and while the TSA was focusing on aviation security initiatives.

Within weeks of September 11, 2001 a memorandum was sent to all state commercial truck enforcement administrators from the FMCSA requiring hazardous material security sensitivity visits at hazardous material carriers' places of business. Priority was given to companies which transport the most dangerous materials such as explosives, anhydrous ammonia, petroleum products and poisonous gases. The sensitivity visits were not for enforcement purposes, but to heighten the carriers sensitivity to suspicious behaviors from drivers, shippers, consignees, or the public and to report any threats to the proper authorities. Florida's participation in the security and sensitivity visits will be discussed in the Findings section of this report.

Since the requirement for security sensitivity visits, TSA has required background checks for hazardous material drivers. Currently, in order to acquire a hazardous material endorsement on a commercial driver's license the driver must pass a written test about the hazardous materials transportation rules. Drivers must have special training before they transport flammable cryogenic liquids or highway route controlled quantities of radioactive material. Each driver's employer provides the training. The driver must carry a dated certificate of training signed by the employer, and drivers must update their training at least every two years.

On May 5, 2003 the TSA, in concert with the USDOT, acted to secure the transport of hazardous materials including explosives by requiring background checks on commercial drivers who are certified to transport hazardous materials. Under TSA's rule, approximately 3.5 million commercial drivers nationally with hazardous material endorsements will be required to undergo a routine background check that includes a review of criminal, immigration and Federal Bureau of Investigation records. Any driver who has been convicted or found not guilty by reason of insanity (by a military or civilian court) in the past seven years; was released from prison in the past five years; is wanted or under indictment for committing certain felonies; or who has been found mentally incompetent will not be permitted to obtain, retain, transfer, or renew the hazardous materials endorsement. The checks also will verify the driver is a United States citizen or a lawful permanent resident as required by law. This TSA rule was required to be adopted under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT) which was enacted by Congress on October 25, 2001.

Not only do the drivers of vehicles transporting hazardous materials have stringent regulations, but the shippers of the hazardous materials have many safety requirements to comply with. General shipper responsibilities are contained in 49 CFR 173. Identification of a hazardous material is the first and the most important requirement because it is from the proper identification of the hazardous materials that the other requirements are based on and it provides vital emergency response information. The shippers are also responsible for packaging and marking the material properly; the training of their employees; maintaining a 24-hour emergency response telephone number; and other safety related responsibilities.

Rail

Two federal agencies have primary responsibility for overseeing the safety and security of hazardous materials shipped by rail the USDOT and the TSA. Within the USDOT, the Federal Railroad Administration (FRA) promotes railroad safety and enforces rail safety regulations, while the RSPA regulates the transportation of materials posing an unreasonable risk to health, safety, and property. Other federal agencies have related responsibilities for the rail shipment of hazardous materials including the Nuclear Regulatory Commission, Department of Energy, Department of Defense, Environmental Protection Agency, Department of Labor's Occupational Safety and Health Administration, and DHS Directorate of Emergency Preparedness and Response.

In response to the September 11, 2001, terrorist attacks, industry and government have taken steps to improve the safety and security of the transportation of hazardous materials by rail. The railroad industry conducted an industry- wide assessment to identify and prioritize the exposure of rail facilities to the risk of attack and developed a security plan to address these risks. The security plan, completed in December 2001, established four alert levels and described a series of actions to prevent terrorist threats to railroad personnel and facilities that could be taken at each alert level, including rail operations and police actions. As stated earlier, in March 2003, RSPA finalized a rule, entitled "Security Requirements for Offerors and Transporters of Hazardous Materials" which imposes new security

requirements on shippers and carriers of certain hazardous materials.

On May 23, 2003, the GAO issued a report titled "Rail Safety and Security - Some Actions Already Taken to Enhance Rail Security, but Risk-Based Plan Needed" (GAO-03-435). The GAO found that, since September 11, 2001, the rail and chemical industries have taken steps to improve the security of rail shipments of hazardous materials. The report describes the rail industry's development and implementation of its security plan and actions taken thus far by USDOT and TSA to address rail security issues. The GAO recommended the USDOT and TSA work together to develop a risk-based plan specifically to address rail security, including timeframes for actions. The USDOT and TSA are currently in the process of evaluating the need for additional federal regulations to address rail transportation security.

Pipelines

The USDOT's Office of Pipeline Safety (OPS) has jurisdiction over regulating the safety of pipelines. According to USDOT, the 2.3 million miles of natural gas and hazardous liquid pipelines carry two-thirds of the energy consumed by our nation. The regulations under which OPS operates (49 CFR 190-199) authorize states to assume all or part of the intrastate regulatory and enforcement responsibility through annual certifications and agreements. (Florida's responsibilities for pipeline safety and security will be discussed in the Findings section of this report)

Immediately after the attacks of September 11, 2001, the OPS assessed the readiness of the most critical pipeline systems to withstand attack, prioritized the critical pipeline systems, and then worked with industry and state agencies to develop security standards. The OPS has recently developed a system that enables pipeline operators to increase their security in synchronization with the Homeland Security Advisory System.

The OPS requires pipeline operators to provide a plan of response that OPS evaluates for adequacy. The OPS uses integrity management planning, where OPS requires operators to set priorities based on the consequences of failure. Operators must identify areas along their pipelines where consequences of a failure would be severe. In these areas, operators must provide even further protection.

The OPS is addressing the many new requirements and responsibilities of the Pipeline Safety Improvement Act of 2002. As directed by the Act the OPS:

- Completed operator qualification standards and expects to meet the statutory deadline for completing inspections.
- Defined alternative mitigation measures when operators cannot complete repairs in time with regulatory requirements.
- Assisted operators with meeting public education requirements by providing workshops on a newly developed consensus standard and an approach to self-assessment.

In addition to its responsibility for overseeing the compliance of interstate operators, the OPS is responsible for monitoring the performance of the state agencies participating in the federal/state pipeline safety program, as well as performing inspections of interstate pipeline systems and those intrastate facilities not under state jurisdiction.

Funding

Compared to the federal and state security funding required for seaports and airports, the requirements for the security of linear movement seem insignificant. A hub, such as an airport, seaport or tank farm, offers higher concentrations of people or hazardous materials. Logically, these hubs would be an attractive target for terrorists. Most funds are going to airport and seaport security, and first responders.

For FY 2004 the TSA's budget request is $4.812 billion. This request is over $1 billion less than the TSA will spend in FY 2003 on transportation security. Funding is allocated to four programs -- Aviation Security, Maritime and Land Security, Intelligence, and Research and Development. Approximately $4.5 billion of the proposed budget is devoted to aviation security. An additional $125 million will be made available for seaport security through grant awards.

Over $85 million is requested for TSA's other Maritime and Land Security activities. This includes $28 million to fund 225 positions dedicated to security oversight of non-aviation transportation modes (including rail, highway, mass transit, cruise lines, and ferries) $55 million for the Transportation Worker Identification Card (TWIC) Program and $2.5 million for Operation Safe Commerce.

Almost $14 million will be devoted to TSA intelligence operations. These activities are primarily targeted at analysis and dissemination rather than collection activities. TSA expects to receive information from many sources which will then be analyzed based on transportation security interests.

METHODOLOGY

Staff from the Senate Committee on Home Defense, Public Security and Ports, and from the Senate Committee on Transportation worked together to conduct several meetings and interviews with government and industry representatives. Staff reviewed federal laws and regulations relating to the security and safety of linear modes of transportation including transit, pipelines, and the transportation of hazardous materials on highways and rail. Staff also reviewed state law and related documents and security procedures for those modes in Florida.

Interviews were conducted with the Office of Motor Carrier Compliance (FDOT), Public Service Commission Natural Gas Pipeline Safety Office, the State Transit Manager, the State Rail Manager (FDOT), the Florida Chief of Domestic Security Initiatives (FDLE), the Director and Program Lead for Cargo Security (TSA), representatives of several public transit systems including Broward, Lynx and Hart, Mears Transportation Group (private transit provider), Greyhound Bus Lines, Inc., the Florida Trucking Association, McKenzie Tank Lines, the Florida Minerals and Chemistry Council, the Florida Fertilizer and Agrichemical Association, the Florida Petroleum Council, the Florida Gas Transmission Company, the Florida Energy Pipeline Association, the Florida Natural Gas Association, the Florida Propane Gas Association, Florida East Coast Industries (railroad), CSX Transportation and the Florida Transit Association. Staff conducted interviews, by phone, electronic mail and in person, with participants, affected parties or other stakeholders.

FINDINGS

Security of transportation assets has been initiated federally with states and local governments following the federal government's lead. By federal law, the security of all modes of transportation is the responsibility of TSA. However, as TSA has struggled with the monumental task of first securing airports, modal administrations within USDOT have been examining security threats to the modes they regulate. Some security standards, such as those for bus transit agencies are voluntary, while the transportation of hazardous materials requires a security plan. None of the federal requirements for the linear transportation system are as comprehensive, or as closely enforced as those required for the containable environment of an airport or seaport.

Additionally, it has been found that the intermodal transportation system is inherently linked to the ability to communicate across many different communications platforms. Such interconnectivity presents new, as yet not fully known, security threats through potential cyber-attacks on transportation management systems.

It appears that all modes of transportation employ best practices in providing security for assets and customers in order to protect large investments in their respective systems. Any attack or threat of attack on the freight industry affects the bottom line of the industry and those served. Customers who depend on the freight industry for tightly managed, or "just-in-time" delivery of goods can suffer significantly when deliveries are delayed. Therefore, freight shippers have an economic incentive to ensure their respective systems are as secure as feasible.

The TSA has signed a memorandum of agreement with the Federal Aviation Administration, which federal officials say serves as a guide for relations between the TSA and modal administrations within USDOT, including the FRA and RSPA. However, while the TSA has begun work on an overall intermodal transportation system security plan, it has not yet developed specific plans to address the security of individual surface transportation modes, and does not have time frames established for completing such an effort. The GAO recommended DHS and USDOT work jointly to develop such a plan to assist the departments in determining the adequacy of security measures already in place to protect surface transportation and identify any gaps that need to be addressed.

State Funding

The Office of the Chief of Domestic Security, within the Florida Department of Law Enforcement (FDLE), is responsible for assessing security at Florida's seaports, but is not statutorily responsible for security for any other mode of transportation. There is no one state agency which has such a responsibility.

According to "Florida's Domestic Security 2003 Annual Report" awards to Florida from both state and federal funds totaled $403,253,526 from 2001 to

present. Of those funds, approximately $104 million were for seaport security. The majority of the rest of the funds were for first responders, vulnerability assessments, training, and planning.

Domestic Security Federal Funding Workgroup

The Domestic Security Federal Funding Workgroup was created by FDLE to maximize federal funding in support of Florida's domestic security initiatives. The working group is now administered by the Office of the Governor. The main task of the work group is to: (1) Identify and catalog federal opportunities; (2) Assign responsibilities for tracking/applying for funds to the proper agency; (3) Review domestic security funding issues before they are sent to the Legislative Budget Commission; and (4) Act as advisor to the Statewide Domestic Security Oversight Board.

Transit

As stated earlier, the FTA has attempted to prepare the transit industry to counter terrorist threats. FTA has provided direct assistance to transit agencies through on-site readiness assessments, technical assistance teams, regional forums for emergency responders, grants for drills, training, and accelerating technology and research projects. The FTA is concentrating its efforts on employee training, public awareness, and emergency response planning.

Lynx

In October of 2002, a security consultant (Aegir) hired by FTA performed a threat and vulnerability assessment of the Lynx transit system. Security fencing and more security officers were among the security recommendations offered. The consultant helped update Lynx's security plans and facilitated better communications between the transit system and local law enforcement and emergency services organizations. Lynx also received $40,000 from FTA to conduct security drills.

Broward Transit

Broward County Transit had several security assessments done. The FDLE performed a vulnerability assessment, and the FTA sponsored a peer to peer security assessment. The peer to peer assessment included security administrators from the Denver Regional Transportation District and the Bay Area Rapid Transit District from San Francisco.

Miami-Dade Transit

Miami-Dade Transit was visited by FTA numerous times and also received a thorough security assessment. The agency has since routinely enforced no parking or standing for vehicles under the Metrorail and Metromover guideways. Entry to secure areas have switched from a keypad to a proximity identification card system plus a personal code, thereby limiting access to sensitive areas. Miami-Dade Transit received a $50,000 grant from FTA for conducting drills. The agency also received a High-Risk, High-Threat federal discretionary grant of $896,544 from DHS as authorized by the 2003 Wartime Supplemental Appropriation.

The system has had to quarantine transit vehicles containing a suspicious white powder, and two employees exposed to the powder (tests showed the substance negative for anthrax). Armed guards (Wackenhut) are now posted at all transit facilities, rather than only in Metrorail and Metromover stations. Security personnel are now required to check county identification cards more closely before allowing an employee to enter a transit facility.

The South Florida Transit Police and Security Committee

The South Florida Transit Police and Security Committee consisting of the Security Chiefs from Miami-Dade Transit, Broward Transit, PalmTran, the South Florida Regional Transit Authority (formerly Tri-Rail), the Florida East Coast Railway, CSX, and AmTrak was created and began meeting monthly beginning in April 2003.

The mission of the Committee is to "promote relationships and coordinate joint participation and information sharing between all transportation modes in Southeast Florida against criminal acts affecting the transportation industry." This Committee will allow the agencies to communicate about possible threats and take a more holistic view of the transit and rail system security.

Transportation of Hazardous Materials (Commercial Trucks and Rail)

Commercial Trucks

Florida has codified the federal regulations in Florida's statutes, and the designated state enforcement agency is the Office of Motor Carrier Compliance (OMCC)

within the FDOT. As part of its overall commercial vehicle safety mission, the OMCC is responsible for enforcing the federal regulations governing the transportation of hazardous materials on the highways.

All OMCC law enforcement personnel receive training in enforcing the hazardous materials transportation regulations. As part of OMCC's routine commercial vehicle safety enforcement activities, OMCC inspects vehicles transporting these materials for compliance with the regulations, such as proper placarding and shipping papers. Additionally, a hazardous materials enforcement specialist is assigned in each OMCC field office. The specialist's primary duties are to enforce the hazardous materials regulations, and, to assist other FDOT personnel, as well as the industry, when questions arise regarding the application of the regulations. Enforcement personnel may also be called upon in the aftermath of a hazardous materials transportation incident to assist in determining whether violations of the regulations may have contributed to the causes of the incident.

As early as October 2001, Florida's OMCC began conducting security sensitivity visits as required by FMCSA. The OMCC's objectives for the security sensitivity visits were to ensure commercial motor vehicle drivers become more sensitive to security issues relevant to their operations, and to ensure individuals identified by the Federal Bureau of Investigation as potential security threats have not infiltrated the hazardous materials transportation industry. The OMCC visited over 900 carriers and found all large hazardous material carriers had adequate security measures in place. While these are not required by federal law, most carriers insist on training their employees and protecting their investment. The OMCC did not identify any security threats.

On May 5, 2003 the TSA and the USDOT acted to secure the transport of hazardous materials including explosives by issuing an interim final rule requiring background checks on commercial drivers who are certified to transport hazardous materials.

The TSA is presently conducting name-based background checks on all hazardous material endorsed commercial drivers' license holders. If TSA determines a driver fails to meet the criteria for retention of his or her hazardous material endorsement, TSA will notify the affected driver and the Florida Department of Highway Safety and Motor Vehicles (DHSMV). An affected driver will have the option to appeal the decision with TSA. If and when TSA notifies the DHSMV the determination of ineligibility is final, DHSMV will withdraw the driver's hazardous material endorsement.

Beginning January 1, 2004, TSA will require a fingerprint-based background check for drivers renewing commercial driver's license with hazardous material endorsements and drivers seeking to obtain a hazardous material endorsement. The application process, including fingerprinting, will be offered at selected DHSMV driver license offices. There will be an application fee to cover the charges of various agencies involved in conducting the background checks. Exact amounts have not been determined, but are expected to range from $50 to $100.

Drivers with existing hazardous material endorsements will be notified 180 days in advance of their renewal dates to allow time for completion of the security check before their licenses expire. The DSHMV will extend expiration dates during the start-up phase to allow the full 180 days notice. The background checks must be repeated with each renewal of a hazardous material-endorsed commercial driver's license. Due to the maximum interval allowed between background checks, all hazardous material-endorsed Florida commercial drivers licenses will expire in four years from their dates of issuance.

This background check for hazardous material drivers will help ensure the pool of drivers are not criminals or incompetent. However, the terrorists carrying out the attacks on September 11, 2001 were not licensed pilots, nor did they work for an airline.

Rail

The FRA administers the Federal railroad safety laws (49 U.S.C. 201-213), which encompass all areas of railroad safety (49 U.S.C. 20103), including security.

The nation's railroads have taken several voluntary steps to enhance security since September 11, 2001. The Association of American Railroads (AAR) established a security task force immediately after the attacks. The task force created action teams to assess vulnerabilities in several critical areas: physical assets, information technology, chemicals and hazardous materials, defense shipments, train operations, and passenger security. The AAR worked with chemical industry associations and security consultants to assess terrorism risks in these areas. This risk analysis provided the basis for the industry's security

management plan, which was presented to USDOT and TSA.

The security management plan, which is currently being implemented, includes a uniform system for communicating threat levels throughout the industry, progressively rigorous countermeasures to be taken depending upon the threat level, and around-the-clock operations center linking railroad control centers with law enforcement agencies.

Among the actions the industry is taking to implement the plan are increasing the awareness of employees about potential security threats, limiting publication of information about sensitive shipments, periodically testing security systems, using railroad police and private security guards to monitor critical infrastructure locations, restricting access to railroad facilities, using video surveillance of hazardous materials shipments in certain areas, conducting security evaluations of specific facilities, and the temporary rerouting or suspension of certain hazardous material shipments in the event of a credible terrorist threat. These security enhancements undertaken by the major railroads have helped to reduce the risk that explosives or other hazardous materials can be used for terrorist purposes while in railroad possession.

Section 351.36, F.S, directs FDOT to conduct regular inspections of railroad track, operating equipment and operating practices for compliance with appropriate safety regulations. The FDOT has adopted by rule the federal railroad safety regulations found in 49 CFR 105-180 and 49 CFR 209-240.

Seven inspectors in five disciplines are employed by FDOT to inspect the Florida rail system. There are two track inspectors, two operating practices inspectors, one motive power and equipment inspector, one signal and train control inspector and one hazardous materials inspector reporting to FDOT's Central Rail Office and operating around the state. Florida's inspectors are certified by the FRA in their respective disciplines.

Annually, state inspectors perform safety inspections on 5,000 miles of track, 3,000 turnouts, 14,000 freight cars and 500 locomotives and observe 1,000 operating practices. These inspections supplement those conducted by the railroads, which have the primary responsibility for safe operations, and the FRA.

Each inspector records conditions not meeting the minimum safety standards (defects) for their discipline. Should the defect not be corrected in a timely manner, or should it present an immediate safety hazard, the inspector will recommend a violation which constitutes a civil penalty against the railroad. Violations are submitted to the FRA for review and, if acceptable, transmitted to the appropriate railroad or other party for collection of the penalty. The FRA also employs its own inspectors who each cover a much larger area than the State of Florida.

Florida also authorizes railroad companies to employ their own security force of sworn law enforcement officers (ch. 354, F.S.). These officers are appointed by the Governor and must meet the same qualifications and training requirements of other sworn police officers, except the requirement for continuing education and training after employment. Railroad officers have arrest powers, are authorized to carry weapons, and are paid by the railroad company.

Pipelines

In Florida, natural gas interstate pipelines are inspected by the federal government. Natural gas transmission and distribution centers are inspected by the Florida Public Service Commission (FPSC). The Natural Gas Pipeline Safety Section is responsible for natural gas safety. The FPSC's natural gas pipeline safety jurisdiction begins at the tap on interstate pipelines and ends at the outlet of the last gas meter prior to the point of consumption.

The FPSC's natural gas safety engineers evaluate natural gas pipelines operated by Florida's investor-owned natural gas utilities, municipal natural gas systems, special natural gas districts, intrastate transmission systems, housing authorities, and private master meter operators. General areas covered by these evaluations are new pipeline construction, maintenance, and operations. Specific evaluations are made of corrosion control programs, qualifications of personnel, operating pressures, odorant concentrations in gas, emergency plans, testing of personnel for alcohol and drug use, completion of gas leak surveys, and repairs of leaks. Additionally, staff investigates natural gas accidents to obtain information that can be used to prevent a recurrence.

The Florida Emergency Operations Center is provided technical support and staffing from both the Electric Safety Section and Natural Gas Safety Section during natural or manmade emergencies. The Emergency Operations Center is the twenty-four hour contact point for assistance and advice for all energy related

emergencies for electric utilities, natural gas pipelines, and fuel related problems.

RECOMMENDATIONS

Technology which could be a cost effective way of securing Florida's linear transportation system was not within the scope of this report. However, a thorough examination of the available technologies, and incentives for transportation providers to use such technology, could help in securing the state's linear transportation system.

Continue to monitor security risks relating to transportation information technology.

Monitor TSA's progress in establishing security standards for each mode, and if warranted, examine establishing state standards. For example, amend s. 341.061, F.S., to authorize FDOT's Transit Office to require security standards for bus transit systems.

Examine requiring railroad police to comply with the continuing training and education requirements of s. 943.135, F.S.