

els reflecting the extent of their use or planned use of the tunnels, if feasible.

(Pub. L. 110-53, title XV, §1515, Aug. 3, 2007, 121 Stat. 437.)

§ 1166. Railroad carrier exercises

(a) In general

The Secretary shall establish a program for conducting security exercises for railroad carriers for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) Covered entities

Entities to be assessed under the program shall include—

- (1) Federal, State, and local agencies and tribal governments;
- (2) railroad carriers;
- (3) governmental and nongovernmental emergency response providers, law enforcement agencies, and railroad and transit police, as appropriate; and
- (4) any other organization or entity that the Secretary determines appropriate.

(c) Requirements

The Secretary shall ensure that the program—

- (1) consolidates existing security exercises for railroad carriers administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement as appropriate;
- (2) consists of exercises that are—
 - (A) scaled and tailored to the needs of the carrier, including addressing the needs of the elderly and individuals with disabilities;
 - (B) live, in the case of the most at-risk facilities to a terrorist attack;
 - (C) coordinated with appropriate officials;
 - (D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;
 - (E) inclusive, as appropriate, of railroad frontline employees; and
 - (F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;
- (3) provides that exercises described in paragraph (2) will be—
 - (A) evaluated by the Secretary against clear and consistent performance measures;
 - (B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with railroad carriers, nonprofit employee organizations that represent railroad carrier employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad carrier and transit police, and other stakeholders; and
 - (C) used to develop recommendations, as appropriate, from the Secretary to railroad

carriers on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and railroad carriers in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (1)¹.

(d) National Exercise Program

The Secretary shall ensure that the exercise program developed under subsection (c) is a component of the National Exercise Program established under section 748 of this title.

(Pub. L. 110-53, title XV, §1516, Aug. 3, 2007, 121 Stat. 438.)

§ 1167. Railroad security training program

(a) In general

Not later than 6 months after August 3, 2007, the Secretary shall develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) Consultation

The Secretary shall develop the regulations under subsection (a) in consultation with—

- (1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;
- (2) railroad carriers;
- (3) railroad shippers; and
- (4) nonprofit employee labor organizations representing railroad employees or emergency response personnel.

(c) Program elements

The regulations developed under subsection (a) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following, as applicable:

- (1) Determination of the seriousness of any occurrence or threat.
- (2) Crew and passenger communication and coordination.
- (3) Appropriate responses to defend or protect oneself.
- (4) Use of personal and other protective equipment.
- (5) Evacuation procedures for passengers and railroad employees, including individuals with disabilities and the elderly.
- (6) Psychology, behavior, and methods of terrorists, including observation and analysis.
- (7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.
- (8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
- (9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

¹ So in original. Probably should be “(2)”.