Congress of the United States
Washington, DC 20515

October 29, 2004

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Ridge:

We are writing to convey our concerns regarding recent information indicating that the Department has abandoned all consideration of requiring CSX to re-route shipments of extremely hazardous materials around Washington, DC as a means of protecting it from a possible terrorist attack. It is also unclear to us whether DHS ever seriously considered re-routing as an option at all. Although CSX has evidently been voluntarily re-routing such shipments since the March 11, 2004 terrorist attacks in Madrid, Spain, the Department's failure to ensure that these voluntary actions are made permanent raises the question whether DHS is doing everything prudently possible to keep residents of the Washington DC area safe.

As you know, enough chlorine to kill or injure 100,000 people in half an hour is often contained in a single rail tanker car going right through crowded urban centers – including Washington DC. An Ohio-based Al Qaeda operative has already been arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in DC. According to TSA administrator Stone, the Department's rail vulnerability assessment and security plan for DC "will serve as the baseline for shaping national policies in the transport of hazardous materials for other high rail traffic areas[1]". The outcome of the DC area plan can therefore be expected to have considerable impact nationwide, and our understanding is that DHS next plans to examine rail security in New Jersey and Cleveland.

Recent press reports have indicated that the vulnerability assessment and security plan for the DC rail corridor being conducted by DHS, which was originally expected to be completed by summer 2004, has once again been delayed. These reports, as well as numerous unclassified meetings and telephone conversations conducted by our staff, indicate that while DHS has no plans to require the permanent re-routing of any shipments of extremely hazardous materials around Washington DC, CSX has been voluntarily re-routing such shipments for more than 7 months while continuing to experience growth in its revenues[2] .

In particular, when your staff was questioned on October 14, 2004 regarding its analysis of the economic and other considerations associated with re-routing, they were unable to provide a response and had no idea whether such an analysis had been conducted by anyone at the Department. This left the impression that rather than

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[1] See http://www.greenpeaceusa.org/pdfs/TSA040604.pdf
[2] See http://www.csx.com/share/csx/investor/press_release/pressrel3q2004.pdf

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conducting a true vulnerability assessment that considered all possible security solutions, the Department instead directed the staff to consider all options *except* re-routing as it developed its security plan.

While we support many of the proposed security plan's suggestions, including the use of increased patrols and new technologies to assist in securing the rails, we question whether a terrorist will be deterred by the presence of a camera or a sign warning of police surveillance. It is simply not possible to secure every mile of track around Washington, DC (as well as numerous other cities nationwide) from attack. However, CSX's voluntary decision to re-route around Washington DC does appear to offer a potential solution to remove the most catastrophic consequences from at least one location that is obviously unique in its symbolic value as a possible terrorist target. A rigorous analysis may show that re-routing is not always the complete solution. However, as a result of the Department's failure to perform this analysis, neither Congress nor the Administration will have sufficient information with which to consider its benefits or limitations. Accordingly, we therefore ask for your prompt responses to the following questions:

1) Please provide an explanation of why the Department did not consider rerouting as an option as well as the name(s) of all officials involved in making that decision.
2) Please make available for questioning, all such officials involved in that decision.
3) Please provide copies of all documentation surrounding the DHS decision not to require the re-routing of extremely hazardous materials around Washington DC, including all emails, correspondence, economic analyses performed or received by the Department, reports, presentations, and telephone logs.
4) How much will the security plan DHS will soon announce for the Washington DC area cost? Who will assume these costs? What is the target date for announcing this plan?
5) DHS will soon conduct vulnerability assessments of the railroads surrounding other cities. Please provide a list of all such cities, along with a timeline for the completion of the assessments. Who is expected to assume the costs of the security plans for these cities?

Thank you for your consideration of this important matter. In light of the upcoming election and inaugural, we ask that you comply with this request as soon as possible. If you have any questions or concerns, please have your staff contact Michal Freedhoff in Rep. Markey's office at 225-2836, John Sopko of the Homeland Security Committee Democratic Staff at 226-2616 or Rosalind Parker in Del. Holmes Norton's office at 225-8050.

Sincerely,

Ed Markey

Edward J. Markey

Jim Turner

Eleanor Holmes Norton