AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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April 23, 2002

Docket Management System
U.S. Department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, D.C. 20590-0001

Subject: Docket No. TSA-2002-11604, Security Programs
for Aircraft 12,500 Pounds or More

Dear Sir or Madam:

The Air Line Pilots Association, Int'l (ALPA), which represents 62,000 pilots who fly for 42 airlines in the U.S. and Canada has reviewed the subject document and offers the following comments.

ALPA strongly promotes the adoption of One Level of Security for all commercial airline operations, regardless of the size of the aircraft, number of seats, chartered or scheduled, or whether passengers or cargo provide the revenue. As the TSA has rightly stated within the subject final rules background, "the events of September 11, 2001, demonstrate the ability to use aircraft to endanger persons on the ground. An aircraft so used is just as dangerous whether it holds cargo or passengers." Our members who fly all-freight operations are particularly concerned about the lax security regulations that place both their operations and persons and property on the ground at risk.

For that reason, we are particularly pleased to see the TSA adopt a strong stance on this issue and, for the first time, begin to address the security deficiencies that have existed amongst all groups of affected operators for many years. We wholeheartedly support the agency's decision, contained in this final rule, to require that small-aircraft operators, charter operators, and all-cargo operators implement fully standardized security programs. We urge the TSA to not be dissuaded from applying this rule to all affected operators, some of whom we expect oppose its common-sense security measures for financial reasons.

We applaud the TSA for granting exemptions to the security programs of those operators in Alaska that are required under state law to be equipped with a firearm, which will allow them to continue to carry such weapons. We have previously petitioned the DOT

for a rulemaking to enact Section 128 of the Aviation and Transportation Security Act (ATSA). We reiterate our recommendation that the TSA recognize the necessity of arming all pilots, through a volunteer, federal pilot officer program, not just some of those who fly in Alaska.

Specific Comments

Following are our specific comments on some of the provisions contained in the final rule.

§1544.1, Applicability – We fully support the inclusion of this section within the regulations for the reasons stated above.

§1544.101, Adoption and Implementation – We are opposed to the disparate and inequitable levels of security for commercial operators that are included in this section. It is recognized that all-cargo operators do not have checked baggage concerns (except, perhaps, for those of their employees), but they most certainly should have concerns about acceptance and screening of cargo, per §1544.205. While we recognize the logistical and financial implications of screening all cargo, there is surely a reasonable and practical approach to enhancing this area of security that can be applied to begin improving the status quo. Cargo operators that rely heavily upon a "known shipper" concept as a single deterrent strategy to prevent the acceptance of bombs or other biochemical agents, ignore the fact that such a system is easily circumvented by obtaining a bona fide customer account number. Similarly, the rule fails to require even rudimentary screening of passengers and baggage carried on small aircraft.

Rather than list each of the requirements contained in this rule that should be applied to cargo and small operators, we believe that the TSA should revise this rule to make them all applicable, with exemptions granted on an exceptional basis. In other words, all commercial operators covered under Part 1544 should be required to implement a full security program – exceptions could be granted to those enumerated provisions of this regulation that can be demonstrated to be inapplicable to their operations.

§1544.230, Fingerprint-based Criminal History Records Checks – ALPA has several concerns with the manner in which CHRC's are performed per the provisions of this regulation. Our comments on this subject are contained in correspondence from the AFL-CIO's Transportation Trades Department's letter dated March 11, 2002 and are incorporated by reference. A copy of that correspondence is provided as an attachment.

§1544.237, Flight Deck Privileges – ALPA supports the inclusion of this new section in the regulation and believes that it will help protect against dangerous intrusions into the flight deck by unauthorized individuals. However, we are profoundly concerned about the lack of adequate security protections pertaining to authorized individuals. Currently, captains lack the resources needed to properly determine, based on today's credentialing methodologies, whether a jumpseat requester is in possession of *bona fides*. As a result,

the pilot in command is faced with an unpleasant dilemma of deciding whether to allow someone to ride in the cockpit who claims to have authorization, but cannot positively demonstrate it. If the pilot chooses to let the individual ride, they may pose a security risk; if the pilot prohibits the individual from riding in the front, he faces the distinct possibility of certificate action by the TSA or FAA, or air carrier disciplinary measures. In the case of certain cargo operators, employees are permitted to ride in the cabin area aft of the cockpit, with little or no protection for the flight crew when they take physiological breaks to visit the lavatory or galley. Clearly, this problem must be addressed soon by issuing highly-secure Transportation Worker Identification Cards (TWIC), or their equivalent, to all individuals who are allowed to ride in the jumpseat or can gain access to the flight deck. Further, a captain's authority to deplane or deny anyone access to the aircraft should be unfettered and protected by law, so as to prevent an employer or others from taking any punitive actions against the Pilot-in-Command when exercising that authority.

Thank you for the opportunity to review and comment on this regulation and we urge the TSA to make changes as we have recommended.

Sincerely,

Captain Stephen Luckey
Chairman, National Security Committee

Attachment

March 11, 2002

VIA INTERNET FILING

U.S. Department of Transportation
Docket Management System
400 Seventh Street, S.W., Room Plaza 401
Washington, D.C. 20590

RE: Docket No. FAA-2001-10999

Dear Sir or Madam:

The Transportation Trades Department, AFL-CIO (TTD) submits these comments in response to the final rule for Criminal History Records Checks (CHRC),[1] effective December 6, 2001, applicable to airport security programs under 14 CFR Part 107 and air carrier security programs under 14 CFR Part 108.[2] TTD represents 34 transportation unions whose millions of members include workers in aviation, rail, transit, trucking, highway, longshore, maritime and related industries.[3] This rule will directly affect nearly one million aviation, airport and industry contract employees with access to airport Security Identification Display Areas (SIDA). For that reason, we encourage the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) to seriously consider our suggestions and those filed separately by our member unions.

Introduction

For transportation workers nothing is more important than the security and safety of the transportation system.[4] It is our sincere hope that government proceedings such as these, with their focus on delving into the backgrounds of airline workers, do not distract attention away from the

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[1]Docket No. FAA-2001-10999, Criminal History Records Checks; Final Rule, 66 Fed Reg 63474 (December 6, 2001).

[2] These regulations were recently recodified at 49 C.F.R. Sections 1542 and 1544. 67 Fed. Reg. 8340 (Feb.22, 2001).

[3] Attached at 1 is a list of TTD affiliated unions.

[4] Attached at 2 is a policy resolution outlining transportation labor's views on transportation security adopted October 23, 2001 by the TTD Executive Committee, which is comprised of the presidents and senior officers representing the organization's 34 affiliated unions.

need to pursue vigorous new transportation security measures in passenger and all cargo operations such as those recommended in TTD's policy statement. In the wake of September 11, the concerns stemming from security breaches in the transportation industry system hit home for transportation workers. Everyday millions of transportation workers report to work at airports and throughout the transportation system and we recognize that for our industry and nation to rebound and thrive, we must restore faith in the safety and ease of transportation in America. In the process, however, our government must also protect the due process rights of transportation workers so they can devote their full energies to performing their jobs well and not be distracted by fear and uncertainty, or face unfair treatment.

Unfortunately, in the post-9-11 environment, much of the focus on security issues has been directed at criminal history checks of current employees. The imposition of criminal history checks on job applicants – rather than on current employees with proven track records – is a better and far more cost-effective way of ensuring that those who pose the highest security risks do not obtain sensitive positions. For those employees employed prior to the effective date of the rule, there is no need to impose the expense and administrative burden of such a check. This is especially true for current workers who are certified to perform their duties and thus, have already undergone governmental scrutiny. These employees have already demonstrated their fitness to perform their respective jobs under already rigid federal regulatory requirements; and, in fact, prior to the FAA's implementation of new congressionally imposed criminal history check requirements, these employees were already required to report convictions as they occur on their FAA medical applications, which are renewed regularly. Individuals who have previously reported disqualifying offenses to the FAA should be grand fathered and allowed access to secure areas. The regulations should be amended to specifically provide for this. In light of the large number of currently certified and regulated transportation employees, there is no compelling need to subject most airline workers to after-the-fact records check. Additionally, we also believe that the 10 year "look back" period is inappropriate, and should be reduced to five years.

However, having raised these preliminary concerns with the rule, if the DOT continues to mandate that individuals undergo CHRC's who are applying for unescorted SIDA access as well as individuals who are authorized to perform screening functions, it is imperative that employees be treated with fairness and dignity, and are afforded proper due process. We strongly believe that the FAA must more strictly limit how employers and others use information obtained in a CHRC. Furthermore, employees must have the unencumbered right to appeal adverse decisions and subsequent actions taken as a result of criminal history record checks.

Transportation workers are fully aware of the unprecedented security challenges facing our nation and are committed to helping our government formulate an effective and appropriate response to the current climate. But we submit that transportation security objectives can be met without trampling on workers' rights. Below, we offer an overview of our positions and a commitment to work with the DOT to develop a proposal that promotes security and ensures the due process rights of workers.

Due Process

Our first concern is that the regulation does not provide a due process venue for employees with convictions during the 10 year look back period. The regulation makes no provision for any exceptions if an employee has a conviction of a listed crime but due to compelling facts could otherwise demonstrate that he or she does not pose a security risk.

As a hypothetical example, let us say that a mechanic was convicted of one of the enumerated crimes eight years ago. He reported the conviction to the air carrier and the FAA, both of whom determined that the conviction would not impair his ability to perform safely as a mechanic. Since then, the mechanic has performed his job with no difficulty for eight years, and now, solely because of the rule, will lose his livelihood because access to the ramp area will be denied. Another hypothetical example could be a flight attendant with an unblemished employment record convicted of shoplifting 9 ½ years ago. Because the value of the stolen items totaled over $500, this could be considered a felony in a number of jurisdictions. Under the rule, this employee would lose his or her job. There are circumstances like both these examples where the CHRC needs to look at the particular offense and surrounding circumstances to determine whether they realistically create a security hazard.

We would also note that the present rule may cause particularly harsh results with respect to economically disadvantaged individuals who have invested time and resources in airline careers as a way of lifting themselves out of difficult circumstances. Many such persons may have committed disqualifying offenses, but nevertheless have undertaken to gain aviation related skills as part of the rehabilitation process. Carriers such as American have had, at various times, minority recruitment programs which provided training to persons with disadvantaged backgrounds. We believe it is both unnecessary and cruel to deprive persons of careers which are the product of sincere and legitimate attempts at personal rehabilitation.

The rule should provide for due process for employees in this and similar circumstances to show that past conduct does not necessarily impact security. Even though an employee has a disqualifying conviction, it does not automatically mean he or she is a security risk. In fairness, before losing their livelihood, employees in these circumstances should have an opportunity to demonstrate his or her fitness to enter the secure areas of the airport.

Right to an Appeal

We support each employee having the right to an independent appeal of a decision to disqualify, up to the Secretary of Transportation or an official designated to act for the Secretary. The Secretary's decision should then be subject to judicial review under the terms of the Administrative Procedures Act. Additionally, prior to actual disqualification, an employer should not be permitted to remove a worker from a position requiring CHRC for security reasons, absent independent evidence that the employee presents a security threat. Once an employee is disqualified, if the employee appeals the

determination, he or she must be entitled to any rights under a collective bargaining agreement to hold a job that does not require SIDA clearance, pending the appeal. If an appeal is successful, the employee should be returned to the position he or she held prior to disqualification.

Non-Disqualifying Actions

We are also concerned that the regulations permit adverse action against employees when a CHRC discloses an arrest without a disposition.[5] We urge that unescorted access authority be maintained for individuals whose CHRC discloses an arrest for any disqualifying criminal offense without indicating a disposition. Clearly, an arrest determination does not qualify as a conviction under the statute. The individual's unescorted access authority should continue to be maintained until the airport or aircraft operator determines, after investigation, that the arrest resulted in a conviction or a finding of not guilty by reason of insanity of one of the enumerated disqualifying criminal offenses.

The regulations should also make clear that offenses which have been expunged or pardoned do not constitute "convictions" and are not considered disqualifying offenses for purposes of the regulatory scheme. Moreover, that determination should govern from whatever point in time the offense is removed or cleared from the individual's records.

Need for Clarification of Certain Offenses

The offenses currently identified in the regulations as "explosives" and "weapons" should be more specifically defined and limited to cover only traditional firearms and dangerous explosives used with the intention of inflicting harm. Under the current regulations, a longtime airline employee previously convicted of unlawful use of an explosive, resulting from his use of fireworks on July 4th while on vacation in a jurisdiction that he was unaware prohibited them, could be at risk of losing his career. Such an individual poses no security risk and should not be adversely affected.

It is necessary that the regulatory scheme provide a means to ensure that such employees' careers are not destroyed based on convictions that, in fact, have no nexus to airline security. The crime of "unlawful possession of a weapon" is one that without further definition or consideration of the factual context could be extremely misleading. Possession of a legal and registered gun in one state can be illegal in a nearby state and, in certain circumstances, result in such a conviction. For example, a longtime airline employee living in Virginia who drives into Washington, D.C. forgets about the gun in his trunk, is stopped in D.C., and then charged with unlawful possession of a gun even though the gun is legal and registered in his home state. Examples, such as these, are reflective of real people who pose no security threat but stand to have their livelihood destroyed unless the regulatory scheme is modified. The regulations should provide more limiting definitions, include consideration of the surrounding facts in applying the definitions, and provide for the due process discussed above to determine whether the crime for which the person was convicted actually poses a security threat.

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[5] See Final Rule pg 63482, 63485.

Confidentiality/Access to Information

Currently, the regulations contain provisions that entitle employees to obtain, and require employers "to provide the individual with a copy of the FBI record if he or she requests it."[6] We believe that as soon as the possibility for disqualification is determined, it should be mandatory that all relevant information supporting disqualification be immediately provided to the affected individual.

Additionally, while there is a time line of 30 days for the individual to notify the airport or aircraft operator of his or her intent to correct any information the employee believes to be inaccurate in his or her record, there is no time line for the airport or aircraft operator to respond to the employee appeal. This could possibly result in the worker being out of the current position while awaiting the response from airport or aircraft operator. The regulations should require that the airport or aircraft operator respond to the employee within a reasonable period of time.

Although the current regulations provide limits on the use of information obtained from CHRC's, the restrictions should be made more explicit and more stringent. We have already seen instances of efforts to terminate employees based on otherwise non-disqualifying offenses disclosed by FBI record checks. To avoid such actions, we suggest the establishment of a PASS/FAIL system in providing information to employers. With respect to an employee who fails the check, an employer would be given only the information documenting the disqualifying offense. In the case of an employee who passes, no information other than the "PASS" result would be given to the employer. In the event the employer receives information beyond what is necessary to determine entitlement to access, it should be specifically precluded by regulation from taking any adverse employment action based on such information.

Since we have already seen information obtained from the FBI checks used beyond the scope of the regulatory requirements, additional DOT action is necessary. Since such employer actions are occurring despite the prohibition against using FBI record information for such purposes, we urge the DOT to further strengthen the regulatory provisions. Additionally, we request a clarification that employers who use FBI criminal record information in a manner contrary to or beyond the scope of the regulations, will be subject to investigation, regulatory enforcement and civil penalty actions by the FAA and the Transportation Security Administration. And of course, it is essential that enforcement and sanction authority be fully exercised.

Fingerprinting Fees

Transportation labor supports the requirements in this regulation for all airport and aircraft operators to pay the costs for any and all fingerprinting. We believe since it is the airport and aircraft operators responsibility to ensure that the regulations are followed then they should also assume the financial

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[6] See 14 C.F.R. Sections 107.209(h)(1) and (3);108.229(h)(1) and(3).

burden of implementing these regulations. We urge this requirement be maintained in the final regulations to ensure that employees do not assume the financial burden of paying for such criminal history record checks.

Alternative Work Arrangements

We also support permitting under the appropriate circumstances the right of employees who become disqualified due to a background check to transfer to jobs in non-secure areas. A good deal of this will depend upon existing collective bargaining agreements. As a first step, employees disqualified from a secure position following a CHRC should at least be given any opportunity available under their collective bargaining agreement to obtain a non-secure position.

Conclusion

Overall, we remain concerned that employees in the aviation industry have become the targets of unlimited mandatory criminal history records checks with little attention being given to the need for due process protections. As currently constructed, this CHRC proposal violates basic employee rights and disregards traditional notions of fairness and due process. TTD and its affiliated aviation unions are committed to ensuring that, at a minimum, this CHRC proposal includes specific due process protections for workers. We will continue to oppose and speak out against excessive CHRC measures and will insist that appropriate employee protections including appeal procedures be incorporated in any CHRC program.

TTD and a number of our affiliates participated in this rulemaking process to ensure that transportation worker protections and priorities, as well as the welfare of the traveling public, are reflected in this rule. Our affiliates and their members have been at the front lines of promoting and fighting for the security of our transportation system, and we urge the DOT and the FAA to carefully evaluate our views before a final rule is completed.

Thank you for allowing us this opportunity to share our views.

Sincerely,

Edward Wytkind
Executive Director

ATTACHMENT 1

TTD AFFILIATES

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association
Amalgamated Transit Union
American Federation of State, County and Municipal Employees
American Federation of Teachers
Association of Flight Attendants
American Train Dispatchers Department
Brotherhood of Locomotive Engineers
Brotherhood of Maintenance of Way Employes
Brotherhood of Railroad Signalmen
Communications Workers of America
Hotel Employees and Restaurant Employees Union
International Association of Fire Fighters
International Association of Machinists and Aerospace Workers
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
International Longshoremen's Association
International Longshore and Warehouse Union
International Organization of Masters, Mates & Pilots, ILA
International Union of Operating Engineers
Laborers' International Union of North America
Marine Engineers Beneficial Association
National Air Traffic Controllers Association
National Association of Letter Carriers
National Federation of Public and Private Employees
Office and Professional Employees International Union
Professional Airways Systems Specialists
Retail, Wholesale and Department Store Union
Service Employees International Union
Sheet Metal Workers International Association
Transportation • Communications International Union
Transport Workers Union of America
United Mine Workers of America
United Steelworkers of America

March 2002

ATTACHMENT 2

TRANSPORTATION SECURITY IN THE AFTERMATH OF THE SEPTEMBER 11 TERRORIST ATTACKS

For transportation workers nothing is more important than the security and safety of the transportation system – their workplace. For current employees and future generations of workers in this industry, the September 11 terrorist attacks will serve as a painful reminder of the many unexpected dangers they face on the job.

Both during and following these brutal assaults against our country, workers who operate, maintain, build and provide emergency response for the transportation industry demonstrated their courage, dedication and skill. Thirty-three pilots and cabin crew members died on board the aircrafts used as weapons of destruction. Fire fighters, other emergency responders and workers in the construction trades were among the first on the scene at the World Trade Center, the Pentagon and in Pennsylvania. Many of these courageous men and women also perished with hundreds injured. Members of the Operating Engineers and Fire Fighters have been at so-called "ground zero" in New York City, training workers on the spot in the safest methods to deal with the threat of exposure to potentially lethal and toxic substances at the demolition site.

The concerns stemming from security breaches in the transportation system hit home for transportation workers today more than ever before. The airplanes, buses, trucks, railroad and transit systems, ports and highways are where millions of transportation workers report to work each day. Transportation workers know well that for our industry and our nation to rebound and thrive, we must restore faith in the safety and ease of transportation in America. In the process, it is imperative that we protect the safety of transportation workers so they can devote their full energies to performing their jobs well and not be distracted by fear, worry and uncertainty.

Given the severity of the nation's transportation security needs, it is irresponsible that certain Republican leaders in Congress have delayed consideration of a sweeping aviation security bill. Accounts of private meetings between some of these GOP leaders and aviation industry lobbyists to activate these special interests in favor of their agenda are clear examples of playing politics with transportation security at a time when Americans want action, not partisan gamesmanship. The inability of these leaders to overcome their own anti-government bias has blocked action on this legislation, and we call on the House of Representatives to join the Senate in completing this much needed bill and other transportation security measures advocated by TTD affiliates.

The effectiveness of efforts to close safety and security gaps in the transportation system will be dependent on the transportation workforce. We have entered a new era, and it requires extensive training for and technical knowhow among those who make our transportation system work. These changing times affect all transportation workers, from those working in airports and on airplanes, to those who operate our bus and transit systems, transport hazardous materials and other cargo, and

deliver our mail and parcels at a time of chemical and biological threats. Especially for workers who may be exposed to terrorist threats, government and employers must provide not only training and protection, but timely and accurate information about threats to their health and safety.

Unfortunately, much of the focus on employee issues has been directed at criminal background check measures. Pre-employment background checks for new hires have become far more common in our industry as a means of preventing those who pose the highest security risks from ever obtaining sensitive positions. We believe that pre-employment checks are far more cost-effective than criminal background checks on workers with, for example, a 20-year record of exemplary service to his or her employer. Many of these employees underwent background checks at the beginning of their employment and bring a long record of integrity and dedication to the workplace.

In any type of criminal background check, it is imperative that employees be treated with fairness and dignity, and are afforded proper due process. Background checks can raise civil rights and privacy issues, particularly if a group is unfairly targeted due to race, ethnicity, or national origin. Criminal background checks, in the absence of a link to any suspicion or threat, are costly and damaging to employee morale. We must also carefully consider how employers and others may use information obtained in a background check. Employees must have the unencumbered right to appeal decisions and subsequent actions taken as a result of background checks. Transportation workers are fully aware of the unprecedented challenges facing our nation and are committed to helping our nation formulate an effective and appropriate response to the current climate. But we submit that transportation security objectives can be met without trampling on workers' rights. TTD urges Congress to reject draconian or punitive approaches in the consideration of background check procedures, such as those employed in pending seaport security legislative proposals in the U.S. Senate.

Worker training is especially important in these times, as training under existing practices and federal mandates is not and never was geared towards situations such as the September 11 attacks where terrorists used our transportation system to carry out suicide missions of mass proportion. This new reality requires an absolute overhaul of training requirements and demands the dedication of significantly more resources for achieving new employee training and preparedness objectives.

Hazardous materials training for transportation workers takes on added importance in this era of heightened security concerns. Hazmat training in every freight and passenger transportation setting is critical for all those who transport hazardous materials and who may be first responders during an incident or accident. We must also know who is engaging in hazmat transportation, especially given the shocking reports of possible terrorists seeking to illegally obtain permits to carry hazardous materials. Legislation is needed to impose tougher entry requirements on those seeking government authority to transport hazardous materials. Our government must also ensure the nation's firefighters are equipped to respond to all types of transportation emergencies. Knowing that two-thirds of the nation's fire departments are drastically understaffed, transportation labor endorses the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which would provide $1 billion a year in

federal funding to hire 75,000 new firefighters over seven years. Further, we support affiliate unions' calls for higher staffing levels, better equipment and enhanced training, particularly for those workers who are most likely to be confronted with catastrophic events such as acts of terrorism or bio-terrorism.

Obviously, employees are at the center of any enhanced security systems. Those who perform vital security functions – such as airport baggage screeners and other security personnel – must be treated like essential links in the security chain. Low wages, inadequate training, turnover rates as high as 400 percent and unacceptable working conditions – a problem not found solely in airports – can no longer be tolerated if we are serious about security in our transportation system. The well publicized scandal involving Argenbright Security Inc., which provides security screening in many major airports nationwide, uncovered a pattern of shabby employee training, violations of pre-employment background check requirements, false and misleading statements by managers, and problems such as the hiring of screeners who could not meet basic English language requirements. The U.S. Attorney last week asked for a court hearing to consider charges that the company was continuing "an astonishing pattern of crimes that potentially jeopardized public safety." Transportation labor is committed to correcting these security threats and workplace abuses. Further, transportation workers know that the best way to raise labor standards is to ensure that these workers, whether they are employed in the public or private sector, are given the unfettered right to freely choose a union voice and bargain collectively.

Securing the entry points of access to transportation equipment must be a priority. Trucks, airplanes, buses, trains and ships must never be permitted to sit idle in poorly or unsecured areas. Newspaper accounts have shown acres of our nation's ports and other transportation facilities unprotected, with virtually no restrictions on access to equipment and cargo. Rail tunnels, bridges, maritime facilities and other key infrastructure must be better maintained and protected. We need greater perimeter fencing, 24-hour security patrols staffed by workers well trained in surveillance and law enforcement, and the smart deployment of technology to better guard the physical infrastructure in our transportation system.

There are virtually no checks on cargo that travels through our transportation system. In the airline industry, we are going to great lengths to screen passengers and their carry-on bags, while giving scant attention to the cargo and checked baggage that goes into the belly of the aircraft. The same can be said with respect to passenger rail operations. Checked airline baggage must pass a rigid security screening and meet a 100 percent match with passenger manifests. On a broader scale, new measures are needed to inspect and monitor the flow of luggage and cargo, respectively, throughout our passenger and freight transportation system.

Insufficient attention is also given to contractors who service equipment and operations in the transportation industry. For example, food service carts often arrive on board an aircraft after having been fully-loaded miles away from an airport which we work around-the-clock to secure. At a time

when breaches of security are of paramount concern, the surveillance of contractors and their workers can no longer be an afterthought, especially if the transportation industry persists in using contractors who themselves may present security risks.

This environment of heightened security risk also affirms transportation labor's decade-old opposition to allowing unsafe and uninspected trucks and buses from Mexico using their NAFTA privileges to travel freely throughout the United States. Twenty-five percent of the trucks crossing our southern borders carry hazardous materials, a result of the thriving chemical industry in the Maquiladora region in Mexico. The current state of the world demands more, not less, rigor at our borders. Years of independent studies show that the U.S. is unprepared to carry out its enforcement capabilities, and we support the large majority in Congress who oppose the Bush administration's plan to open the U.S.-Mexico border by early next year.

We must do a better job ensuring the safety of those who work in critical areas of our transportation system. Access to areas such as cockpits, air traffic control and other dispatch centers, maintenance areas, loading platforms, freight terminals and yards, and ports must be more closely monitored and guarded.

Our mass transit systems are particularly vulnerable to terrorist attack. A 1998 report by the U.S. Department of Transportation revealed that attacks against transportation accounted for 42 percent of all international terrorist attacks reported by the U.S. State Department. Vast improvements in preparedness and response plans are needed, particularly for mass transit systems which play an essential role during evacuation of urban areas during crisis situations. Global Positioning Systems and advanced radio and communications systems are important technologies that should be deployed.

Amtrak faces similar security risks and deserves immediate federal assistance. We strongly support legislative efforts to bolster Amtrak's security capabilities. In the wake of September 11, Amtrak has seen a upswing in business and its thousands of miles of tracks, bridges, tunnels, and other facilities remain vulnerable to criminal and terrorist acts. Amtrak employees need better training and resources to adapt to increases in both security demands and growing ridership. As Congress considers proposals to secure these sensitive work areas, it must also ensure that Greyhound is equipped with additional guards and cameras and is better able to inspect passengers and luggage and monitor its terminals. We call upon the federal government to provide financial assistance to implement these critical steps.

Indeed, the mission ahead to secure the transportation industry is daunting. But an experienced, well trained and adequately staffed workforce, combined with new aggressive federal security measures, will ensure that the new challenge to protect the transportation industry from terrorist and other threats will be met and the confidence in the system restored.

THEREFORE, BE IT RESOLVED THAT TTD AFFILIATED UNIONS WILL:

- Call on Congress to invest ample new federal resources in and set higher standards for security training for workers;
- Urge Congress and the Bush administration to direct resources at more effective pre-employment screening of job applicants and to take great care to honor workers' rights in any programs aimed at identifying security risks among existing workers;
- Push for beefed-up requirements governing hazardous materials shipments and training and staffing for transportation workers and emergency response employees;
- Insist on the most rigid federal standards governing those who staff the nation's transportation security work force in airports and throughout the industry, as well as the unfettered right for these workers – in the public or private sector – to freely form and join unions; and
- Urge Congress and the President to include in any new transportation security legislation or regulations strong protective measures to secure entry points to transportation equipment and facilities in both passenger and cargo operations, and specifically to guard against security breaches involving contractors with access to secure areas.

Resolution No. F01-09
Adopted October 23, 2001