Problems of Ensuring Security of Transport Infrastructure Facilities

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Abstract. The article deals with problematic issues of ensuring the effective functioning of transport infrastructure in modern conditions, when the amount of universal threats from terrorism and other factors constantly increases. The definition of "facility security" is formulated, since "transport security", being considered in the narrow sense, includes only the protection of transport infrastructure facilities from terrorist crimes and does not cover other illegal actions that can have a negative impact on the security of transport system in Russia. Profound study of the issues of legal regulation of ensuring the security of transport infrastructure facilities in various aspects leads the authors to reasonable conclusion about their obvious gaps and, in part, conflict of laws, which determines the need to resolve these problems of positive law in Russia. The need to improve the anti-terrorist protection of railway transport facilities by establishing the priority of interdepartmental integrated approach is stipulated and particular measures to mitigate the terrorist threat are suggested.

1. Introduction
In Russia, during the period of political reforms in the 90s, the problem of terrorism in railway transport became relevant again due to the collapse of the USSR, which contributed to the aggravation of the national-territorial issue, set the Russian society a condition for changing its social system, and
also caused significant economic and industrial consequences: the transport complex crisis, a reduction in investment, a decline in social production, and inflation.

Innovative economic policies disrupted the rail transport sector, and the problems associated with the weakening of executive power, international conflicts, extremism, caused an increase in the number of crimes against public security (Chapter 24 of the RF Criminal code), committed on railway transport.

It is reasonably noted that significant shortcomings in the organization of transport operation, outstripping the growth rate of passenger traffic, lead to large concentrations of people on the territories of stations and train stations [4, P.18]. This situation significantly complicates the situation and creates threats not only to transport security, but also to the life and health of citizens, becoming the so-called criminogenic factor [1, P.15].

Railway transport facilities are an attractive place for committing crimes against public safety from a criminological point of view, since they provide a mass concentration of people and goods in one place, and are an element that contributes to the achievement of socio-economic goals of the state. At the same time, we can’t but agree with the conclusion that the choice of transport system facilities is predetermined, not least by significant damage to the environment, which can be considered as an optional object of the acts under consideration [2, P.4072].

Given this circumstance, it is quite fair to conclude that the transport infrastructure is the most likely object of terrorist attacks, which are usually committed by suicide bombers, explosive devices filled with destructive elements, psychotropic, toxic substances, biological weapons [5, P. 25].

However, the location of railway transport facilities on the vast territory of the Russian Federation significantly complicates the process of forming and functioning an effective system of protection against sabotage and terrorist interference, which the state should strive to create due to the duty called in article 2 of the Constitution - "person, his rights and freedoms are the highest value" [8].

Specific factors for the commission of terrorist acts on railway transport include the following:
- branching of the infrastructure in a limited space;
- intensity of passenger traffic;
- availability of visiting stations;
- mobility of movement inside the facility;
- low variability of methods for detecting explosives, cold weapons, and firearms;
- negative consequences in the form of a wide public response.

All this attracts terrorists to railway transport facilities and makes them the most likely places for terrorist attacks. Therefore, anti-terrorist protection of railway transport facilities constitutes a serious task which should be implemented as a matter of urgency and priority. Its solution is based on the application of the formal legal analysis tools and a system-legal approach, the essential features of legal categories that are in a generic relationship and dependence with the concept of "transport security" legalized in positive Russian law.

2. Theoretical overview of the issue

In order to reveal the content of anti-terrorist protection of railway transport facilities, it is necessary to define the concepts of transport security and counter-terrorism at railway transport facilities. Thus, the definition of terrorism is contained in article 3 of the Federal law "On countering terrorism". We believe that we should proceed from the premise that terrorism is an ideology of violence that forces state and local authorities to make illegal decisions that are consistent with the goals of terrorists [15].

The concept of "transport infrastructure facilities" is contained in the Federal law "On transport security". These include railway stations and tracks, tunnels and overpasses, and other infrastructure facilities that ensure the operation of the transport complex. The concept of "railway transport facilities" is contained in article 2 of the Federal law "On railway transport in the Russian Federation". [11, P. 30; 12, P. 9].

At the same time, the Ministry of transport of the Russian Federation carries out subordinate legal regulation in the field of transport security. Transport security is characterized as the state of
protecting vehicles and transport infrastructure from illegal interference, emergencies and natural disasters that can lead to accidents and failures. The need to distinguish the concept of "transport security" from related concepts in the field of transport security is quite thoroughly noted, which is an urgent task in the context of ambiguity of legal regulation [9, P.28-29]. Every year the role of transport communications in the development of the national economy increases, so transport security should be considered as an element of national security in accordance with the adopted National security strategy of the Russian Federation [3, P.49; 14].

In the Federal law "On transport security", transport security is defined as protection from unlawful interference. Thus, the Federal legislator recognizes it as an object of criminal encroachment, which is considered as a threat to the safe operation of the transport complex, entailing negative consequences for citizens or property of the transport complex [10, P. 55]. For example, "failure to comply with transport security requirements at transport infrastructure facilities and vehicles, if this act has caused serious harm to human health or causing major damage due to negligence" is a crime under article 263.1 of the Criminal code of the Russian Federation [13].

Returning to the issue of anti-terrorist security, the regulation of which is provided by the Federal law "On countering terrorism", it is interesting to define this institution as the implementation of measures of state response to terrorist threats to a strategic facility; regime, security, technical and other measures taken at the strategic facility for anti-terrorist purposes.

It should be noted that the anti-terrorist protection of a facility is a condition of structures, buildings, structures and other places of mass concentration of people, in which the threat of committing terrorist acts is minimized through the introduction of regime, organizational, security, technical and other measures of protection.

In the Russian legal order, "anti-terrorist protection of transport facilities" and "transport security" are similar in content. We believe that the concept of "anti-terrorist protection of transport facilities" is an integral part of the concept of transport security", since "transport security" includes the protection of transport infrastructure facilities from terrorist crimes and does not affect other illegal actions.

Thus, it is necessary to understand anti-terrorist protection of the railway transport facilities as a state engineering-technological complex, which minimized threats to commit acts prohibited by article 205 of the Criminal code (terrorist acts) by introducing a modal, organizational, security, technical and other protection measures.

3. Practical measures to solve the problem

The above-mentioned measures are united by a generic concept – the measures to prevent terrorist manifestations at railway transport facilities in Russia (article 2 of the Federal law "On countering terrorism"). In accordance with article 3, counter-terrorism is the activity of local self-government and state authorities, individuals and legal entities to prevent terrorist manifestations, identify and neutralize the causes and conditions of their commission. It seems that the main role in the implementation of this activity should be played by the bodies that carry out operational and investigative activities [6, P. 90], and supervisory bodies - the prosecutor's office, which exercises control power [7, P.118].

The use of preventive measures involves solving a number of tasks:
- developing and implementing preventive measures to counter acts of terrorism at railway transport facilities;
- developing and implementing standard safety requirements;
- coordinating the work of state authorities, bodies that manage transport infrastructure facilities with public organizations and citizens.

The anti-terrorist measures at railway transport facilities include:
- organizational (developing and implementing a security plan for a railway transport facility, collecting complete and reliable information for categorization, assessing vulnerability a specific transport node, preparing and approving organizational documents);
- regime (regulating work with documents and information containing the results of vulnerability assessment of railway transport facilities; controlling the capacity and internal regime of the railway transport facility);
- personnel (forming high-level railway safety units; ensuring their training and certification);
- engineering and technical (equipment of the railway transport facility with engineering security systems, devices that prevent unauthorized access, tracking and surveillance systems);
- security (checking documents, conducting inspections, identifying violators).

Since the threat of terrorism at railway transport facilities remains constant, it is necessary to improve the regulatory framework by the following ways:
- regulating anti-terrorist certification of the facility;
- clarifying the facility's terrorist vulnerability criteria;
- developing security plans;
- clarifying the procedure for conducting joint tactical and special exercises of interested bodies and services;
- introducing a facial recognition system in passenger traffic.

Methods of ensuring anti-terrorist security at railway transport facilities are contained in national legislation. Therefore, a measure to prevent terrorist acts at railway transport facilities is, first of all, to improve national legislation in the following areas:
- developing organizational bases for countering terrorism;
- eliminating contradictions between national and international legislation;
- joint operational and investigative activities and other law enforcement activities;
- countering the terrorism financing.

We propose to start improving national legislation in the following way:
- adopting international practice;
- establishing national inter-agency cooperation;
- strengthening security measures;
- involving passengers in cooperation;
- conducting research and developments in the field of security.

Measures to prevent "railway" terrorism must be carried out in accordance with the requirements of regulatory legal acts regulating the fight against terrorist crimes.

Of great importance is the adoption of departmental acts of Federal executive authorities on the prevention of anti-terrorist crimes, which makes it possible to consider preventive measures an integral part of the activities of the state’s law enforcement agencies, such as the Ministry of internal affairs, the Federal security service, the Federal service of national guard troops and others. The implementation of interdepartmental agreements will allow organizing joint events and adopting normative legal acts in order to implement effective coordinated activities.

4. Conclusion
In terms of legal, organizational and managerial aspects, the current legislation contributes to the solution of a number of tasks, including:
- organizing the state management system for anti-terrorist protection of railway transport facilities;
- establishing interaction between state authorities and railway infrastructure entities;
- forming the personnel structure of the transport infrastructure facility security services;
- technical equipment of the transport hub, adopting organizational, regime, engineering and other security measures;
- information and analytical support of anti-terrorist activities at railway transport facilities.

Another important condition that increases the effectiveness of countering terrorist acts on railway transport is the development of a national comprehensive program that contains not only law enforcement, but also political, economic, social, propaganda, ideological, informational and other aspects of eliminating conditions that contribute to terrorist activity.
We should agree with the statement that the effectiveness of the fight against terrorism at railway transport facilities is largely determined by the level of their legal support. Thus, the need to improve the anti-terrorist protection of railway transport facilities determines the priority of the actual and legal comprehensive preventive approach and the possibility of considering the anti-terrorist security of railway transport facilities as an independent direction of the state's criminal policy.

5. References
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