TRANSIT AND OVER-THE-ROAD BUS SECURITY

(109–61)

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BEFORE THE

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HIGHWAYS, TRANSIT AND PIPELINES

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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TRANSIT AND OVER-THE-ROAD BUS SECURITY

Wednesday, March 29, 2006

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON HIGHWAYS, TRANSIT, AND PIPELINES, WASHINGTON, D.C.

The subcommittee met, pursuant to notice, at 2:00 p.m. in room 2167, Rayburn House Office Building, Hon. Thomas Petri [chairman of the subcommittee] presiding.

Mr. PETRI. The hearing will come to order.

In today's hearing, we will examine issues related to the security of transit and intercity bus systems, including the roles and responsibilities of the Federal Transit Administration and the Department of Homeland Security, the state of preparedness in the transit industry, and federal programs and activities that help meet the security needs of the American public transportation system.

Worldwide, the statistics on terrorist attacks are alarming. According to the Mineta Transportation Institute, 42 percent of all terrorist attacks over the 10-year period from 1991 to 2001 were carried out against rail systems and buses, 42 percent. In just the last two years, we have graphic evidence that the transit systems are popular terrorist targets.

In March of 2004, hidden bombs killed 192 commuter rail passengers in Madrid, Spain. Even more recently, last July suicide bomb attacks on the London Underground and buses killed 56 people. Transit systems are particularly vulnerable to attack because they have open access with frequent stops and transfer points, and serve high concentrations of people in crowded areas.

The threat is very real, but it is very challenging to meet this threat. Federal funding for transit security has not been particularly robust. Over four years from budget year 2003 through 2006, Congress has appropriated only about $387 million to the Department of Homeland Security for transit security grants.

In the United States, there are 9.5 billion passenger trips on transit annually. This means that we have averaged over those four years only about one penny of Federal funding for security per transit passenger trip. Compare this to aviation, where the average Federal security investment is about $9 per airline passenger.

However, the public transportation industry has not been passively waiting for the Federal Government to save the day. U.S. transit agencies have invested more than $2 billion of their own funds for enhanced security measures. Even with this extraor-

dinary local investment, transit security activities still are not being adequately funded. The American Public Transit Association estimates that there is a total transit security funding need of $6 billion.

In addition to providing an appropriate level of funding for security improvements, we must ensure that the Federal agencies charged with oversight of the safety and security of these public transportation systems have a clear plan for the best possible protection against and response to any deliberate harm, whether the threat is from international terrorists or from domestic sources.

SAFETEA-LU required the Federal Transit Administration and the Department of Homeland Security to develop and execute a transit annex to the two departments' memorandum of understanding which the agencies jointly issued in September of 2005. The annex spells out in some detail the roles and responsibilities of the Federal Transit Administration, the Department of Homeland Security Office of Grants and Training, and the Transportation Security Administration. Each agency has a complementary role to ensure that transit agencies and their employees are prepared to effectively secure their systems, protect their passengers, and respond to any threat or actual incident.

This Subcommittee held a similar transit security hearing in June, 2004. Shortly thereafter, Chairman Young, Mr. Oberstar, Mr. Lipinski and I introduced legislation to authorize transit and over-the-road bus security grants. The Committee reported H.R. 5082, the Public Transportation and Terrorism Prevention Response Act in September of 2004.

Unfortunately, the bill was not considered by the full House before the end of the 108th Congress. It is likely that we will use what we learn here today to craft a similar bill authorizing general funds to be appropriated for these security grant programs.

The Transportation and Infrastructure Committee has a very broad jurisdiction that includes every mode of transportation. Each of these modes have unique opportunities and security challenges. These differences need to be recognized by providing separate mode-specific transportation security grant programs. These unique modal operations and vulnerabilities also should be reflected in a security grant program that ensures that funds are allocated using a fair, risk-based methodology, with grant eligibilities that meet the needs of the industry.

SAFETEA-LU directed the Departments of Transportation and Homeland Security to issue joint regulations to establish the characteristics and requirements for public transportation security grants. Today's hearing requests and update on the status of these regulations, which we hope will establish a consistent grant administration process.

We look forward to the testimony of all six witnesses this afternoon. The first panel is governmental witnesses, including Ms. Sandra Bushue, the Deputy Administrator of the Federal Transit Administration; Ms. Tracy Henke, Assistant Secretary and head of the Department of Homeland Security Office of Grants and Training; and Ms. JayEtta Hecker of the Government Accountability Office.

The second panel includes witnesses representing transit and intercity bus operators and labor.

I thank all of you for being part of this hearing. I would like to express my appreciation for your staff and organizations for helping to prepare your testimony. We look forward to the interchange to follow that testimony.

Now I yield to Mr. DeFazio for his opening statement.

Mr. DEFAZIO. Thank you, Mr. Chairman. Thank you for your past efforts which preceded my service as Ranking Member on this subcommittee, to better focus on the needs of public transportation and the security issues.

I serve both on the Homeland Security Committee and on this committee. I have seen reflected in both venues what I feel is a lack of really critical assessment to put forward what we think are the real investment needs. It seems kind of like avoidance to me. After we had waited so long for the National Transportation Security Assessment last fall, we got something that, as I said at the time, I thought a graduate student or maybe an undergraduate student could have written in terms of its specificity. It was very, very vague. Yes, there are threats is about how you could summarize it.

We can do better than that. We have the transit groups say that there is a $6 billion unmet need. I don't know if the number is that high. I would like to focus-in. But I know it is certainly a lot higher than the amount of money we have allocated and spent so far. I really, since my principal service on this Committee has been on aviation, I don't want to see that we adopt a tombstone mentality, which was prevalent at the FAA for a lot of years, which was that you don't wade into something and deal with it proactively; you wait until there is an incident and then you try and figure out how you might prevent future similar incidents, as opposed to getting ahead of the issue.

Here, we certainly have had some wake-up calls with what has happened in London, what happened in Madrid. I have to say, from my service on both committees, I don't feel that we have put in place the measures I feel are necessary to prevent a similar incident here. I am hoping to be disabused of that today. I hope to hear about other things going on I don't know about, or grand strategies and plans that are going to come forward.

I know it is always difficult serving, particularly in this Administration, to ask for public money to meet public needs and security needs, but I always ask everybody to be honest despite what the people over at OMB tell you you can have, on what you think a realistic number is.

So I look forward to the testimony and hope to be enlightened, and hope to be reassured, but I doubt that will happen.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

If the audience in the hearing room notices a kind of a mirror-effect, Bob Roe is on both sides of the hearing room and he has the same red tie on here that he has there. We are honored by the presence of our former chairman. Thank you for being here.

[Applause.]

Mr. PETRI. Mr. Oberstar?

Mr. OBERSTAR. Thank you for holding this hearing, Mr. Chairman.

I join in the welcome of our former Chairman Bob Roe, who was such a devotee of all the issues under the jurisdiction of this committee, and continues to be their advocate.

Transit and ports continue to be the stepchildren of security in America. We are not investing what we need to do, what the law that this committee initially prepared, reported out, moved through the House and through conference on port security, the five major elements are not fully anywhere near fully funded.

And transit, the transit systems of America responded on their own, without any infusion of Federal funds right after September 11, by installing in the intercity bus sector, Greyhound specifically, but others as well, putting in security systems that they funded without waiting for any Federal mandate or directive, and so has our transit.

Transit is the fastest-growing sector in transportation in America. We are adding a million new transit riders a day, 10.5 billion transit trips last year. Yet we are not investing in the security of our transit systems as we ought to be doing. Every day, two million Americans take their shoes off at airports; four million shoes come off at America's airports. What are we doing to keep our bus and transit and rail systems safe? Nothing, comparatively. Nothing except what the transit systems have done.

Worldwide, 42 percent, nearly half of all terrorist attacks have been against transit systems, not against aviation. We need to do vastly more than we are doing now, and I hope that through this hearing we will prod action by the Administration to invest in the security of our domestic internal transit systems.

Thank you very much, Mr. Chairman.

Mr. PETRI. Any other opening statements? Mr. Blumenauer?

Mr. BLUMENAUER. Thank you, Mr. Chairman.

I appreciate what our Ranking Member, Mr. Oberstar, said. This has been a deep concern of mine. You might recall I had legislation for transit security in advance of 9/11. Provisions of that bill were picked up and dropped in their entirety in the Patriot Act. It has been something that has continued to concern me. There is something like seven times as many people who are on transit every day in our Country, including some of our most vulnerable members of society, people who are least capable of reacting in the event of an incident, be it terrorist or accident or anything else.

Mr. DeFazio referenced the vast disparity between the resources that are lavished and, as a number of us are in these lines, there are a number of our shoes that hit the ground every week, we see up close and personal, maybe in some cases we are going further than we need to do in terms of some aspects of airport security, but we are certainly not giving the type of time and attention and resources to dealing with the millions of passengers and the hundreds of thousands of men and women who work to make these systems function.

I would hope that in the aftermath of these discussions, we can look very hard at the resources that the industry needs; that we can be a better partner with them in terms of equipment and training; and there are things that they are doing for society as a gen-

eral proposition that merit consideration of further public investment.

We look at Katrina and we look at Hurricane Rita. We are not just talking about terrorist acts. We are looking at how transportation systems can prove vital to help cities respond to natural disasters. If Rita had come a little harder, a little sooner, that picture of the tens of thousands of Houstonians in a parking lot some 30 miles long, pushing their cars in the heat, running out of gas, dealing with making transit systems work are a critical part of emergency response in urban areas.

I think we are going to be looking at that as we rebuild New Orleans at some point, but it is part of the basic infrastructure.

So I look forward to hearing from our witnesses, but I hope that this will help shape our committeeFEs work to think about ways that we make sure that the systems themselves are functional, the communications work, the training that we know what needs to happen, and that we think of it in the broader context of not just protecting people who are transit riders, but thinking about transit system, intercity bus system, rail, as part of the defense mechanism that our communities have. I think it will be money and time extraordinarily well spent, and I look forward to this hearing as a way to launch further consideration for things we can do to make a difference in the future.

Thank you very much.

Mr. PETRI. Thank you, Mr. Blumenauer.

Now we turn to our panelists. As you know, your written statements are a part of the record of this hearing and we invite you to summarize those statements in approximately five minutes. We turn to the first member of the panel, Ms. Sandra Bushue, Deputy Administrator, Federal Transit Administration.

TESTIMONY OF SANDRA K. BUSHUE, DEPUTY ADMINISTRATOR, FEDERAL TRANSIT ADMINISTRATION; TRACY A. HENKE, ASSISTANT SECRETARY, OFFICE OF GRANTS AND TRAINING, DEPARTMENT OF HOMELAND SECURITY; JAYETTA Z. HECKER, DIRECTOR, PHYSICAL INFRASTRUCTURE TEAM, GOVERNMENT ACCOUNTABILITY OFFICE

Ms. BUSHUE. Thank you, and good afternoon Chairman Petri, Ranking Member DeFazio, and members of the Subcommittee.

I am pleased to have this opportunity to testify on transit security. America's transit systems are dynamic, interconnected and composed of 6,000 local systems. Unlike airports, these systems are inherently open and therefore difficult to secure. At New York's Penn Station alone, more than 1,600 people per minute pass through its portal during a typical rush hour. This combination of open access and large numbers of people make transit systems an inviting target for terrorists.

To help mitigate this risk, FTA has three strategic security priorities: public awareness, employee training, and emergency preparedness. Each of these provides focused benefits to the dynamic open nature of AmericaFEs transit network. As for public awareness, FTA developed Transit Watch. It is a program that educates passengers to be mindful of their environment and how to react should they see something suspicious.

Employee training develops the skills of 400,000 frontline transit employees who are the eyes and ears of the transit network. Emergency preparedness programs build local collaborative relationships within communities that allow for quick and coordinated responses in a crisis. SAFETEA-LU mandates several steps that move transit security forward.

In September 2005, FTA, TSA and now the Office of Grants and Training, signed the Public Transportation Security Annex and the DOT-DHS Security memorandum of understanding. The Annex identifies specific areas of coordination among the parties. The agencies have developed a framework that leverages their respective resources and capabilities. Using the Annex, which we have over here on an easel, is a blueprint. We have established an executive steering committee which interacts with DHS, DOT and transit industry leaders.

This committee oversees eight project management teams spearheading the Annex's programs. The eight teams are: risk assessment and technical assistance. This team is using a risk-based approach to transit security, working toward one industry model for transit risk assessments.

Transit Watch in connecting communities. This team is expanding two FTA programs that foster public awareness and coordinated emergency response.

Training. Employee training is vital and this team is developing new courses on timely security products such as chem-bio protocols and strategic counterterrorism for transit managers.

Safety and security roundtable. The Annex team is working on direct stakeholder outreach. They are planning two events per year for the safety and security chiefs of the 50 largest transit agencies.

Web-based national resource center. This group is developing a secure library site for information on best practices, grants, and other security matters.

Emergency drills and exercise. This team is reinstituting the well-received FTA drill grant program and has updated it to incorporate DHS exercise program guidance.

Annual plan and grant guidance. This team is developing the process for joint FTA, TSA and GNT review of regional transit security strategies which is a requirement for the Transit Security Program.

And finally, standards and research, which focuses on the development of critical industry security standards. This includes such topics as standards for closed-circuit television, intrusion detection, and training, to name a few.

Again, I reiterate, this is a blueprint. SAFETEA-LU also requires a joint DOT-DHS rulemaking for the Transit Security Grants Program. FTA has partnered with GNT and TSA to develop a notice of proposed rulemaking which we anticipate publishing soon.

I would also like to point out that FTA supports security projects through its 5307 Urbanized Area Formula Grants Program. Under this program, transit agencies must spent at least 1 percent of their annual formula funds on public transportation security. As you know, in contrast to TSA's broad statutory authority for security in all modes of transportation, FTA's regulatory authority is limited. We do not have a dedicated security grant program.

Historically, we have influenced transit agencies from security practices through training programs, guidance and our research program. Working with DHS, we will continue to use these resources to improve transit security.

Mr. Chairman, Ranking Member DeFazio and members of the subcommittee, I want to assure you that FTA is using all its resources to strengthen the joint security initiative formalized in the September, 2005 Annex.

In closing, we look forward to working with the Committee. Thank you for this opportunity, and I look forward to your questions.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Before hearing from the next panelist, Mr. Pascrell didn't realize we would be quite as efficient as we were, and was detained, but had an opening statement he would like to make.

Mr. PASCRELL. Can I present it, Mr. Chairman?

Mr. PETRI. Yes.

Mr. PASCRELL. Thank you.

Chairman Petri, Ranking Member DeFazio, I thank you for holding a hearing on the status of our Nation's transit security. Many of us have talked about this for a few years now.

There are 6,000 public transportation agencies that provide 9.6 billion transit trips annually. Every day, more than 14 million people take 32 million trips on public transportation. Algebraically, you know how much greater that is than those that use airplanes.

As we have witnessed most recently in London and Madrid, many members from the Homeland Security Committee went to London and Madrid recently to examine preparations or responses to those problems. Transit systems are popular targets of terrorist attacks worldwide. All modes of public transportation have been frequent targets of attacks because they are most vulnerable.

These attacks provide a grim reminder of the terror that can easily be carried out on American mass transit systems, but those of us in New Jersey who work on travel or travel into New York City on a daily basis are dependent on our Nation's public transportation system. We are keenly aware of the vulnerability.

To their credit, transit systems have invested $1.7 billion in security activities since 9/11. New Jersey Transit has expanded its uniformed police force by nearly 80 percent, upgraded the training of many of those officers, provided passenger safety advisories, increased patrolling on more trains and stations, and around the facilities, and conducted aerial inspections of its infrastructure.

However, with only 200 police officers and six explosive-detection canine teams to protect and secure more than 3,000 buses, 600 trains, serving 750,000 people every day, New Jersey Transit neither has the resources nor the budget to address these additional security concerns without undermining its traditional policing duties, and we can multiply this throughout the United States of America.

The American Bus Association and the United Motor Coaches Association have teamed up to present a series of free security emergency preparedness planning. All of these critical actions bear costs that are not being adequately met through Federal funding.

We have not made the necessary investment in improving the security of America's public transportation facilities. According to the American Public Transportation Association, transit security needs are both capital and operational at about $6 billion. Congress has invested a total of $387 million for the Department of Homeland Security transit security funds. This is about $97 million per year or less than one penny per transit passenger trip. If that makes sense to you, I will listen. If it doesn't make sense to you, then I want to have a good response to that one.

Many on this Committee have spoken repeatedly over the last few years for greater prioritization to be assigned to transit security. Neither party is privy on this issue, both sides of the aisle.

I look forward to hearing from each of the witnesses. Our Nation's transit systems must have the employee training they need and the funding they depend upon to maintain at least a baseline level of readiness.

Mr. Chairman, you have been more than kind and I thank you for allowing me this opportunity.

Mr. PETRI. Thank you.

The next witness is Ms. Tracy Henke, Assistant Secretary, Office of Grants and Training, Department of Homeland Security.

Ms. HENKE. Mr. Chairman, thank you. Ranking Member DeFazio, members of the Committee, I am pleased to have this opportunity to discuss the efforts of the Department of Homeland Security's Office of Grants and Training and the work of our partners to secure our Nation's transit systems.

Since the terrorist attacks of September 11, 2001, the Department of Homeland Security has awarded more than $250 million to date to secure our Nation's transit systems. This includes funding under our Urban Areas Security Initiative and beginning in 2005, a new standalone Transit Security Grant Program.

The goal of the Transit Security Grant Program is to protect regional transit systems and the commuting public from terrorism, especially explosive devices and threats that would cause major loss of life and severely disrupt our Nation's transportation system.

Over the past two years, Mr. Chairman, grants and training, working with our Federal, State and local partners, has refined this program to ensure that transit security grants are targeted at systems facing the greatest risk. With the input of the Federal Transit Administration, the Transportation Security Administration, Federal Railroad Administration, the American Public Transportation Association, the American Railroad Association and numerous other groups, we have made a number of enhancements to the Transit Security Grant Program and have continued to improve our collaborative efforts.

For instance, recognizing the critical importance of regional or multi-jurisdictional approaches to security, we require grantees to develop regional strategies for coordinating security measures across jurisdictional boundaries. We also require grantees, where appropriate, to coordinate transit security plans with Amtrak to ensure integrated security planning among all transportation partners. We require grantees to ensure that transit security plans mesh with the homeland security strategies developed by the States and the urban areas.

Looking at lessons learned from the incidents in Madrid and London, we prioritize efforts for preventing, detecting and responding to attacks, using improvised explosive devices or IEDs. This fiscal year, the Transit Security Grant Program was further refined to require the alignment of regional transit security strategies with the interim national preparedness goal and its seven national priorities for achieving national preparedness. The interim national preparedness goal is designed to help responders at all levels understand what abilities they need to respond to terrorism or other major incidents.

Our Transit Security Grant Program is complemented by two initiatives designed to improve security in specific transportation sectors. One, our Intercity Passenger Rail Security Grant Program provides funds and technical assistance to improving security along the most highly traveled passenger routes in the Nation: Amtrak's Northeast Corridor and its Chicago hub.

This year, we are expanding the program to Amtrak's West Coast operations. We will use a portion of the $8 million Congress made available for 2006 to assess the security of Amtrak's operations in key urban areas such as Seattle, Los Angeles and San Diego. These assessments will, in turn, guide the further expenditure of intercity passenger rail funds.

Second is our Intercity Bus Security Grant Program which enhances security for the millions of Americans who travel long distance by bus each year. Grantees are selected by a national review panel in coordination with the Transportation Security Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration. The 2005 program focused on passenger and baggage screening and facility security enhancements to prevent and detect IEDs, as well as chemical, biological, radiological and nuclear devices.

In 2006, we are working to institutionalize a risk-based approach to intercity bus security funding. As part of this effort, we are requiring grantees to develop security and emergency preparedness plans using a template developed by TSA and the American Bus and the United Motor Coach Associations, under a grants and training grant.

We are also working to coordinate initiatives under our Intercity Bus Grant Program with Highway Watch and TSAFEs Corporate Security Review Program.

Interagency coordination is the hallmark of all the grants and training programs. It is imperative to how we do business, especially transportation security programs. To further facilitate that interagency communication and cooperation, the Department of Homeland Security and the Department of Transportation entered into that memorandum of understanding in September of 2004, as mentioned previously by my partner here at the table from the Federal Transit Administration.

In September of 2005, this MOU was expanded to identify specific areas of coordination, including citizen awareness, training exercises, risk assessment and information sharing. As part of this effort, an executive steering committee was created with representatives from the FTA, TSA and Grants and Training to identify and close gaps in our transportation security programs.

Finally, Mr. Chairman, we are working with the Department of Transportation to develop final regulations for transit security grants as required under Section 3028 of SAFETEA-LU. Through these efforts, the Administration is working collaboratively to ensure the security of our Nation's transit systems and to protect those who rely on these vital transportation services. We appreciate this Committee's continued support for these critical initiatives and we look forward to working with you, Mr. Chairman and members of this Committee, on all of these important efforts.

Thank you, Mr. Chairman, for the time, and I am happy to answer questions at the appropriate time.

Mr. PETRI. Thank you.

Now, a familiar witness before this Committee, Ms. Hecker, Director for the Physical Infrastructure Team, Government Accountability Office, GAO. Please proceed.

Ms. HECKER. Thank you, Mr. Chairman, Mr. DeFazio and other members of the Committee. It is really a pleasure to be here to focus on some key transit security issues.

I think many of you who have spoken talked about the inherent vulnerability and attractiveness of this mode. Its openness, its accessibility makes it a clearly natural target, The large gatherings and concentration of people, but also the enormous number of stakeholders really add to the complexity of trying to improve the security of this mode.

One of the reasons we have been concerned and done at least four major studies in this area is how important it is to target funds to maximize and optimize the impact and the effectiveness in reducing the risk and improving the security of this very inviting target.

Basically, there are two key points that I will make today. One is based on the fact that we have done a worldwide review of transit security, looking at 13 systems internationally and close to every single system domestically. In comparing them, we basically found that are a lot of similarities in what different transit operators are doing. We identified several areas of relatively unique and distinct actions that foreign countries, foreign operators were taking, and we have recommended that they be examined for their potential applicability domestically. I will talk a little bit about what we learned and outline that for you.

The second area is basically about the coordination area. GAO has completed a report about six months ago, and in that report we found notable gaps in coordination by Federal agencies within the Department of Homeland Security and between the Department of Homeland Security and its various elements, and the various units within DOT. While some measures have clearly been taken and our information admittedly is only up to date as of when our report came out six months ago, we continue to recommend very vigorous oversight by this committee of the progress in this area because of the importance of improved coordination.

On the first area about the similarities and differences, it was really an extraordinary experience to have the opportunity to visit so many different operators, 32 in this Country, and as I said, 13 overseas. A lot of the key elements really are very common. At the heart of it is really risk assessment. That really is essential. With

the fundamental vulnerability and attractiveness of this mode, it has got to be targeted. You can spend an infinite amount of resources and it will still be vulnerable. So to clearly target what the priorities need to be is the foundation of all major efforts worldwide.

Another is the customer awareness program. You see it, you say something. Is this yours? There are a whole number of different types of initiatives and it is really engaging the passenger.

A third is the use of technology, particularly cameras, but even smart cameras. That is really the best of the application in this area. It is not just hundreds of cameras, but it is cameras that actually look for some aberration, which even could be something never moving, which could be a package that was left. So there are smart cameras that are being used and really are representing an efficient tool for targeting scarce resources.

A fourth areas is tightening access controls, particularly for employee access, and getting better identification.

So in these areas, there really were not notable differences. In contrast, however, there were four areas where we found foreign government operators had some relatively distinct and unique practices. The first one was covert testing of employee actions. There would be rules, requirements, procedures, and they would basically test their employees and give frequent feedback so there would be an automatic opportunity to review how well people understood the procedures and how well they really worked. So covert testing was in use in a couple of places.

Random screening of passengers and baggage, everyone recognized that this was not ever going to be able to replicate what is done in aviation, but some kind of deterrence that on a strategic basis does randomly check, and this was done in both New York and Boston during the conventions. So we have had some use of it here, but we have not systematically studied how it can be used, where it can be used and with what kinds of triggers and challenges it can be used without shutting the system down.

One of the most important things that we saw overseas was a centralized research or a testing and information clearinghouse on technology. Basically, operators are bombarded all the time by marketers and people trying to sell them different technology, and they have very little independent information. Most of the operators really were crying out for more assistance from the Federal Government in providing a clearinghouse on information about the new technologies.

Very quickly on the coordination area, as I mentioned earlier, GAO found very poor coordination in several critical areas in this important area. One was in the area of risk assessment. Basically, there were active measures going forward by one part of the Department of Homeland Security, and other measures going forward in another part, and really not effectively coordinated with all the stakeholders, with FTA. This is a real gap because this is the foundation of strategic investment of resources.

The other was emergency guidelines, rail security guidelines that were issued just two months after the London attacks. Those guidelines lacked very effective stakeholder input. Nearly all of the operators we talked with were very concerned about it. They felt the

standards were unclear. There were no criteria for inspections or enforcement. It did not build on best practices. And most severely, it even had inconsistencies with standing FRA regulations.

In conclusion, we think there are important initiatives overseas that we could learn from. We have a recommendation that the departments evaluate them. As of our last understanding, there was no action on this. In the coordination area, we have not had an opportunity to systematically evaluate the new initiatives, but we would continue to recommend rigorous oversight by this Committee on the quality and effectiveness of coordination.

Thank you, Mr. Chairman and other members. I would be pleased to answer questions.

Mr. PETRI. Thank you. We will turn to questions.

Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman.

Ms. Henke, you have essentially, as far as I could follow in your testimony, really kind of talked about the way things were. I guess I would like you to talk about the ways things are going to be.

As I understand the Targeted Infrastructure Protection Program, it is essentially going to replace the program that you are talking about, which has been used recently in terms of apportioning funds to needs, to transit systems and others. And now we are going to have, as I understand the President's proposal, one large, well not so large, one inadequate pot of money for which ports, transit, rail and trucking will all compete.

Can you kind of look at it and tell us, because what you told is how it has worked. How is that going to work in the future?

Ms. HENKE. Congressman, if enacted and if the Congress moves on the President's proposal as submitted, the President has proposed the Targeted Infrastructure Protection Program. The President proposes this in recognition, one, of limited resources; two, of the fact that the threat that this Nation faces is ever-changing; and three, that to address that threat, we need to have as much flexibility with resources as possible so we can prepare based upon most recent intelligence information, the risk assessments, et cetera, that we have, and make certain that we are working to protect the Nation from the next threat and the next attack, not the one that just recently occurred, as we continue efforts across the Country, recognizing our shared responsibility in securing the Nation.

So once again, the TIP program would be a comprehensive risk assessment. It would look at where the threats are. It would look where the consequences are and the vulnerabilities are, and then allocate the limited resources available to those highest risk areas.

Mr. DEFAZIO. Well, great in theory, but I have yet to see comprehensive risk assessment, particularly in the evaluation we received last fall, and I read both the classified and the unclassified version. The classified wasn't much different than the unclassified.

I didn't see any quantification there in any meaningful way to compare a threat in a port to a threat against mass transit and rail, versus aviation. I mean, they couldn't even compare within categories, and now we are going to create, somehow we are going to say, okay, we are now going to look at, and the ports estimate

they need $6 billion. The transit folks estimate they need $6 billion. I don't know what trucking needs.

So let's, you know, let's just round it out to $15 billion. The President is proposing $600 million this year. So you know, we are coming in at 5 percent of what we need. I am just wondering how we are going to apportion that pathetically small amount of money among so many needs, and how we are going to meaningfully compare the threat to the ports and nuclear or radiological devices where we are failing, to the threats in a transit system which doesn't have interoperable communications, and has other vulnerabilities, to potential attacks against the hazardous waste-carrying trucks or the use of hazardous waste-carrying trucks as weapons of mass destruction.

I just am really puzzled. I understand sort of in some sort of an optimal rule we would be able to do that. I just fear that losing the focus here, losing a focus of, okay, we have an inadequate amount of money, but here is the way we are going to apportion it. This part is going over into, you know, transit other than aviation; this part is going over into ports. And then within that, we will determine what our priorities are in some way, and then we will apportion that inadequate amount of funding.

But to suddenly say in the whole world, we are going to compare all that. I mean, what system have you developed? I guess maybe I will ask Ms. Hecker. Are you aware of a system they have developed to meaningfully compare among the modes and somehow go assess if we have this giant pot of money, how that money would be apportioned? Are you aware of any system like that?

Ms. HECKER. Not as of the time we completed our report. There is merit in that, but I think there is also merit, as your question implies, in some base-level of continuity of support for a minimum level of security within individual modes. The uncertainty or the flexibility is something that really would raise some questions about the ability of operators to really make plans over time. These, of course, are publicly subsidized operators. These are not profit-making institutions.

Mr. DEFAZIO. Okay. So Ms. Henke, has something been developed in the last five months we are not aware of that would help us deal with this new program? What is it called, TIP, or whatever?

Ms. HENKE. Targeted Infrastructure.

Mr. DEFAZIO. Right, TIP. Yes.

Ms. HENKE. TIP. Sir, the department has made great strides in its risk analysis ability. I will be honest with you. I have been there for three months. I am not aware of all of the work that has been done to date. I can tell you that we have made significant progress.

In our risk analysis, we are looking at individual assets. We are looking at geographic areas. We are taking into account as it relates to these different systems, for instance on transit, we are looking at passenger numbers. We are looking at route miles. We are looking at once again most recent threat information. We are working with the partners in the field to gather the data points to ensure that we have that risk assessment capability to move forward with the PresidentFEs proposal.

Mr. DEFAZIO. Well, I have yet, serving on both committees of jurisdiction, to hear that there has been anything meaningful developed. Perhaps they are just withholding it from Congress. I don't think there has been, so I am very skeptical about merging. I mean, it is a way to blur the inadequacy of the funding is to say, well, we have a $600 million pot, but now it is actually addressing a larger need, as opposed to say, well, we are only going to put $150 million in to ports and we are going to put $180 million here in that.

I really doubt that we can meaningfully choose among those modes with such an inadequate amount of money, but I won't belabor that point. In a more lighthearted way, I just have a question, if you could tell me who replaced Mother Teresa. I am curious.

Ms. HENKE. No one yet, sir.

Mr. DEFAZIO. Okay. So you are open for suggestions?

Ms. HENKE. Completely open for suggestions.

Ms. DEFAZIO. Okay, all right.

Ms. HENKE. This is an issue to help make certain that people truly understand in terms that people, when we are trying to explain what the Federal Government does, and sometimes when we are trying to explain what the Office of Grants and Training does, it is kind of complicated. And so as a way to boost morale and as a way to involve all the employees, and way to come up with how to explain what the Office of Grants and Training does, we determined this was a way to do it. But no, we are open for suggestions, sir.

Mr. DEFAZIO. Okay. Great. So if anybody on the Committee has a suggestion, you could be in line for a free lunch. Thank you.

Mr. PETRI. Mr. Duncan?

Mr. DUNCAN. Thank you, Mr. Chairman.

I guess I really just have one question. It is kind of a broad question. I will just address it to all three of you and whoever wants to answer it. I am very interested in this because I had two young women from my District who were injured in the London bombings and received a lot of national publicity from their experience in the hospital and so forth. And then I went with a group of members at one time, not long after the Madrid bombings, to a memorial that they had set up over in Spain about those bombings.

I heard Secretary Chertoff say something that made a lot of sense in a speech he gave one time. He said we have to make people understand, or have people understand that we cannot protect against every conceivable harm at every place at every time. I remember two or three months after the Department of Homeland Security was created that I was driving in one morning to work here and I heard on the NPR news one morning that the department already had, and they told what the number one, I don't remember the exact number, but it is like 3,782 ideas for security devices, and probably there are thousands more already.

What I am getting at, the odds, all these incidents are terrible, but the odds are still extremely low. I mean, you are more likely to be struck by lightning than you are to be killed by a terrorist. How do we achieve balance? How do we do what is reasonable for security without going ridiculously overboard or being wasteful

about it? And then secondly, where are we getting the most bang for our buck? What do we really need to do that we are not doing now, as opposed to just doing pie-in-the-sky type things?

Ms. HENKE. Sir, if I may? One of the things that Secretary Chertoff and I have discussed, and other leaders at the Department of Homeland Security, is that we do need to be looking at man-made terrorist attacks, as well as natural disasters. That is what we need to do.

When we talk about how we are proceeding and what we are doing in these communities and States across the Country, it is not one or the other. What we are doing is developing capabilities, capabilities to respond whether it is a tornado going through my home State of Missouri; whether it is a terrorist attack somewhere in the Country; whether it is a hurricane; the New Madrid fault zone; an earthquake in California, et cetera. We are developing capabilities.

The department has identified, along with the national preparedness goal, the national priorities, 37 targeted capabilities. The GAO and other organizations have validated that those capabilities are necessary regardless of what the event is, regardless of what we are looking at.

So what we are doing is preparing the Nation overall, regardless of what that is. It gets to citizen preparedness. That gets to medical surge issues. That gets to chemical, biological, radiological, and nuclear, et cetera. Investing resources and improving those targeted capabilities throughout the Country makes us better as a Nation. It will hopefully make us safe as a Nation.

I agree, sir, with what the Secretary said and what you were alluding to. Can we necessarily ever say we are safe 100 percent? Likely, no. Can we say that we are safer and can we work to become safer? Yes, we can and we can do that by being better prepared, and we can be better prepared by addressing those targeted capabilities and investing our resources in those targeted capabilities throughout the Country.

Mr. DUNCAN. And we also want to make sure that we are spending our money wisely and on things that provide real security, as opposed to going with some company that is well-connected or has high-level former government employees in it, or well-connected lobbyists and they are going to make a lot of money, but what they are providing is not that valuable from a security standpoint.

Ms. HENKE. Sir, if I may, on something else at the Department of Homeland Security, specifically at Grants and Training, we have, and I am going to apologize because I am not going to remember all the alphabet soup. We have something called SAVER, though, and that deals with equipment, for instance.

As you pointed out, there is a tremendous amount of equipment out there. There is a tremendous amount of individuals who have ideas on how to move forward. The SAVER Program takes some of this equipment, puts it in the field, and it is tested by first responders themselves. And then in essence, we issue a consumer report on that specific piece of equipment.

We now are going through an internal measurement of determining how many entities are utilizing those reports, that information, before they make a purchase. We are finding, because the program

is relatively new, as is the Department of Homeland Security, we are finding that entities across the Country are using these reports to help guide their decision making on equipment purchases. So that is a step that we are making and taking forward.

In addition to that, we understand the need for items such as identifying best practices. One of the things that we are working on with the Federal Transit Administration is the Transit Resource Center that will provide information, that will help identify those best practices, that will help guide decisions that our partners in the field, our stakeholders in the field are making every single day. So we are making headway.

Mr. DUNCAN. Well, my time is up, but let me just say very quickly, you know, I have tremendous respect and admiration and appreciation for those who serve in the military, but the other side is that all these defense contractors hire these retired admirals and generals, and then they come back and they get us to buy all ths defense hardware and some of it is good and some of it is really wasteful. I don't want to see the Homeland Security Department become that way or spend whopping amounts of money just because something has the word "security" attached to it.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Blumenauer?

Mr. BLUMENAUER. Thank you.

Ms. Hecker, I noted that you have, in addition to looking at 32 American systems in metropolitan areas, you did a review of a dozen or some such number systems overseas. I wonder if you could, you referenced in your testimony that were some things that you saw that could potentially be employed, that might have beneficial effects, random searches and what not. I just wondered if there was one system in the review that you and your team conducted, if there was one foreign system that stood out, that had elements that seemed to be balanced and effective?

Ms. HECKER. We didn't evaluate the performance and effectiveness of each one, but on a personal basis and on observation about the comprehensiveness of the effort and the risk-based focus and the care, I would say two stood out for me personally. One was London, which we visited before the bombings; and another one was Hong Kong. London had been a target for a decades because of the IRA. It was a very comprehensive and genuine realization that they really needed to focus on what could be done. While they had a very comprehensive set of practices, education and information and technology, at the end of the day they really couldn't prevent those attacks.

They did, however, provide the tools to arrest the perpetrators, so it was very profound and it did allow tools to provide the response capability and mitigate some of the problems in an area when you have good information and good communications. So it both typified excellent risk assessment, strategic investment of resources, but vulnerability still at the end of the day.

Hong Kong and Singapore and Japan, actually, all of which I visited, they are all privatized and it was extraordinary how seriously they take their investment in security. It is a bottom line issue. If the system is interrupted, they lose revenue. So the strategic focus

of each of those operations in many ways was extraordinary, how it permeated the organization. There isn't just a security officer, but it was part of the operation of the entire business, and very, very, very careful consideration of what made sense. A lot of Mr. Duncan's point about that you don't just throw money at things, you make strategic decisions.

Mr. BLUMENAUER. Right. Well, I guess in following that up, we are looking here, in terms of the Committee's jurisdiction, just as it relates to transit, a very rich mix of public and private agencies. Some are metropolitan-focused. Some are statewide. Some are intercity private. And we are talking about hundreds of thousands of men and women who make these systems work.

Your thoughts about what should be done to help these disparate operators with different levels of sophistication, equipment, capitalization, to enable them, that we have a minimum threshold of training and safety procedures. Do you have any thoughts on that, recommendations, observations?

Ms. HECKER. That is such an important question. I hesitate to present that somehow I have a simple answer.

Mr. BLUMENAUER. You have another minute of my time.

[Laughter.]

Ms. HECKER. I think it was very impressive, the leadership and initiative that FTA took after 9/11. I think there was really a collaborative approach with industry to really target. There was very limited authority, very limited resources, but there was a very, very targeted and collegial approach.

I think when both TSA was formed and then ultimately transferred over to DHS, as I have made clear in my testimony, I think there are really enormous challenges in coordination. FTA is the face of the Federal Government to the transit community, and a constructive face. They don't just give out money willy-nilly, but they understand the diversity of the business, and having the lines of communication. These all sound good, but again I would say these cooperative relationships with the true security focus and expertise of DHS, but recognizing that you have the transportation expertise and communication within DOT in making those partnerships work is actually vital.

Mr. BLUMENAUER. Thank you.

Mr. Chairman, I see my time has expired. I would hope that part of what we may be able to do, following up on what you have done with this hearing here today. We have in the audience people who represent the Public Transit Association. We have private bus operators. We have people who represent the employees, ATU, and our being able to drill down on pursuing some of these questions and trying to convene.

I have great sympathy for FTA, which is the Federal Government's place for mass transit, but people are surprised to find out what a small agency it is. I must say, some of our colleagues in the appropriations side of the equation I think have had a different view about equipping and providing the tools for just day-to-day FTA management, let alone things like this.

I think, Mr. Chairman and Ranking Member, that there would be a great service played if there was a way for us to continue this conversation, make sure that some of the things we have author-

ized don't get sideways in the appropriations process. We have that continuing tug-of-war.

Because I just feel that this is a massive potential problem. I fear that there will be an incident and I would hope that we are not sort of caught overreacting or swinging the other way, but be able to work with these folks to sort of look at resources, look at making sure that Congress is coordinated and help move this conversation forward.

Thank you.

Mr. PETRI. Thank you.

Mr. Sodrel, any questions?

Mr. SODREL. I don't have any questions at this time, Mr. Chairman. Thank you.

Mr. PETRI. Thank you.

Mr. Cummings?

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Ms. Bushue, you know, I was just wondering, has the FTA developed any guidelines for security systems that would come under the New Starts projects?

Ms. BUSHUE. We do not have the statutory authority to put out any type of regulatory efforts in that regard. We work very closely with the Department of Homeland Security in doing that. The New Starts Program is really an altogether different program. It does focus on construction and our grantees are very much looking at security. We do require that they do provide some kind of security perspective in their proposals, but it is not that we mandate it.

Mr. CUMMINGS. The reason why I ask is it seems to me we are doing New Starts. It seems like the ideal time that if we have technology new and more effective and efficient technology coming into play every day that we would be looking at those kinds of things.

Ms. BUSHUE. The transit industry is a really take-control industry. They are doing so much of it themselves. For example, rail cars now are equipping themselves with video cameras, as well as buses. So that activity is certainly occurring.

I also would like to state that they can use their formula money for these security upgrades. That is definitely allowed.

Mr. CUMMINGS. Now, this whole issue of the urbanized area formula, that 1 percent.

Ms. BUSHUE. Yes.

Mr. CUMMINGS. How long has that been in effect?

Ms. BUSHUE. I think a year, two years? It goes back to 221. Excuse me. Like my colleague at the Department of Homeland Security, I have been at FTA for three months.

Mr. CUMMINGS. No problem, no problem.

I was just wondering, and maybe you may have to get back to me on this, I was wondering if FTA or DHS, I mean, if you have any information with regard to compliance, whether the transit agencies, are there any that are out of compliance, or are they in compliance. Sometimes I think you can have something a requirement like that, and people don't consider it important. And the reason why I think they don't consider it important is because they don't think anything is ever going to happen. I was just wondering, do you have any information with regard to that? I see your staff jumping up and down back there.

[Laughter.]

Ms. BUSHUE. Well, we track it. And again, the Federal Transit Administration, we don't regulate security, but we do track it, sir.

Mr. CUMMINGS. What has your tracking shown? I guess what I am concerned about, when we first were dealing with homeland security right after 9/11, there were all kinds of reports that a whole lot of money was spent, not necessarily in this area, I mean generally, where we spent a lot of money ineffectively and inefficiently, trying to deal with problems.

I am just trying to make sure that we are dealing with the taxpayers' dollars in an effective and efficient manner. I don't want to give taxpayers and transit riders a false belief that they have certain security that they don't even have. I guess that is why I am so concerned that if we are tracking, it would be wonderful for us to know how those dollars are being spent.

Another reason I am concerned about it is I like the idea of best practices, if there are practices that are working in certain places, or if we have seen certain security procedures put in place or equipment, and then have had some situations where it has been shown that they have proven to help keeping people safe, I think we need to know about those things. Because it seems to be a project, ever evolving. That is why I asked the question.

Ms. BUSHUE. I appreciate your comments. Let's get back to you on that 1 percent and let us get back to you on what we find.

Mr. CUMMINGS. All right.

Ms. Hecker?

Ms. HECKER. I actually wanted to add, in our report one of the things we noted is that FTA is actually responsible for verifying that agencies are complying with the requirement for security improvements in the urban area formula funds, and is authorized to withhold funds if agencies are found no in compliance. We found that FTA had never in fact withheld any funds.

I might say also, one of the initial observations we have had about the Annex on transit security and the coordination is there are 100 new inspectors over at DHS, but there are FTA safety inspectors and there are FRA safety inspectors, and the coordination and the relationship and the focus and the strategic use and integration in the use of those resources is something that we are concerned about.

Mr. CUMMINGS. Just lastly, I know my time is up, but I guess my concern is that when you say no funds have been withheld, it sounds like you are also implying that just because no funds have been withheld that does not necessarily mean that everybody has been doing what they are supposed to do. It may very well be that somebody was asleep at the switch and did not withhold funds when they maybe should have been withheld.

I don't want to be in a situation five years from now where some incident happens and then we say that we didn't do what we were supposed to do. It sounds like there may be a question of coordination, and if that is the case, I think we need to make sure we address that.

Ms. HENKE. If I may, sir? Just to add one thing, one thing that we are doing, once again collaboratively and working with our partners on, is making certain that they have security and emergency

preparedness plans at the regional level for these jurisdictions. And that those plans then provide us an ability to then measure, from a DHS perspective, working collaboratively with our partners.

We have a regional approach. We develop security and emergency preparedness plans. And then, from the reporting information, the programmatic reporting in, financial reporting, we will then be able to track the measurement and the progress made and identify those best practices that can then be incorporated in the Transit Resource Center that will be available.

Mr. CUMMINGS. Thank you very much.

Thank you, Mr. Chairman.

Ms. HECKER. Mr. Chairman, can I just add one small point, because I think the question about New Starts was an extremely important one. As a Country, this Committee, as a Country, we spend multiple billions of dollars a year in supporting the development of new systems. In fact, one of the things we did find looking abroad is that there was a much more systematic effort both in new investments and in just upgrades, to secure systems, and sometimes not even technology, just removing obstructions and improving the line of sight.

So it is a very obvious and important area and an opportunity. If FTA believes they don't have the authority to really follow up on this, it may be an area worth further exploration on this Committee, given the significance of the public funds involved.

Mr. PETRI. Thank you.

Mr. Pascrell?

Mr. PASCRELL. Ms. Hecker, thank you all for your service.

I am very disturbed whenever we talk about the chances of this happening. If you were to ask people before 9/11 of the chances of this happening, we cannot protect America with that philosophy, number one.

Number two, I want to commend the transportation people of this Country who have invested close to $2 billion. When you take 14 million people using the transit system every day, with 32 million trips, which comes to, as I said before, a penny per transit passenger trip, there is something radically wrong when you compare what those transit people have invested in security to what airlines had invested before 9/11. We have a serious problem here and we are not confronting it. Period. I have come to that conclusion.

According to the Department of Homeland Security and the GAO, the FTA conducted security and vulnerability assessments of the Nation's 36 largest transit agencies. I want you to summarize very briefly and perhaps in writing to the Committee the primary conclusions of those assessments, and does a prioritized list of mass transit vulnerabilities even exist.

Two questions.

Ms. HECKER. You are asking that of GAO?

Mr. PASCRELL. I am asking that of you, Ms. Hecker.

Ms. HECKER. At the time of our review, we actually did try to look at the security assessments and risk assessments and strategies that had been completed, mostly by the Office of Domestic Preparedness. They were incomplete at the time. They were ongoing. A lot of our focus was really on the process and the rigor and the consistency of what was being done.

Mr. PASCRELL. Are they still incomplete?

Ms. HECKER. They were when our report was issued six months ago.

Mr. PASCRELL. Do we have a list of the priorities that you have established or anybody has established in terms of mass transit?

Mr. PASCRELL. I would say that would be an excellent question to ask Ms. Henke. That is the resource.

Mr. PASCRELL. Ms. Henke? I will take your advice.

Ms. HENKE. Sir, we do have some information as it relates to priorities on where we believe Federal resources should be invested, based upon, once again, the national preparedness goal, our national priorities, and our targeted capabilities, and making certain that we are investing the limited resources in manners that are going to have a great return or hopefully a very positive return on the protection and safety and security of the Nation.

Mr. PASCRELL. As you know, Ms. Henke, since fiscal year 2003, the Department of Homeland Security has managed the Transit Security Grant Program. The basis on which the funds, as I understand it, are allocated and the procedures for making funds available to the transit agencies have changed significantly in those three years.

In fiscal year 2003, the security grants were made directly to the transit agencies. In 2004, the funds had to be passed through a State administrative agency. In 2005, the transit security grant funds were made available to regional transit security working groups, which had to reach a local consensus on funding allocations within an urban area before applying for security grant funds in the first place.

It hardly seems efficient to me to change the grant funding mechanism each year. Why is it changing each year?

Ms. HENKE. Sir, it has evolved each year.

Mr. PASCRELL. What has evolved?

Ms. HENKE. The way in which the resources—

Mr. PASCRELL. I mean the history of man evolves. I mean, what has evolved?

Ms. HENKE. Sir, what we have done over the past couple of years is once again look at the resources we have available and try to figure out—

Mr. PASCRELL. Excuse me, Mr. Chairman. The resources that were made available? Is that at the source of the problem?

Ms. HENKE. No, sir.

Mr. PASCRELL. You said it.

Ms. HENKE. Sir, we are looking at the resources.

Mr. PASCRELL. This is not the Colbert Report. That is what you just said.

Ms. HENKE. I apologize, sir. I am not sure I understand your point.

Mr. PASCRELL. What does this depend upon, these changing from year to year of how we fund the programs in transit?

Ms. HENKE. It is looking at the risk that we have and how to allocate the resources we have to address the risks throughout the Country, and making certain that as we are addressing risk, we are doing it in a comprehensive manner, that the strategies that the transit systems have feed into a systems approach, that feed

into the urban area, and feed into a State homeland security strategy, or a multi-state strategy.

Mr. PASCRELL. Do you think that it is comprehensive, what you just said, and that what is happening out there is comprehensive?

Ms. HENKE. I think what we are looking at, we are trying to once again utilize the resources from the Federal level, and with our partners at every single level, to maximize resources available to address risk.

Mr. PASCRELL. I have 26 questions here, but obviously my time is up.

Ms. HENKE. Okay.

Mr. PASCRELL. I want to conclude by just one quick question, if I may, Mr. Chairman. Thank you, Mr. Chairman.

When you are talking about a penny a trip, okay, do you want me to make that comparison to what we spend in protecting our airlines and our airports? How do I reconcile the two? Help me do that. Are those people who fly more important than those people who take choo-choo trains? Are those people who fly more important than those people who take the bus? Let's get to the heart of the issue.

I am not speaking to you personally. I thank you for your service. I sincerely believe that, but you know, we have heard this rhetoric over and over and over again. I want to know how you help me reconcile the major differences between what we spend per passenger in the air as well as on land, for transit. You tell me.

Ms. HENKE. Sir, aviation security by law is a Federal responsibility. That is not the case for transit security.

Mr. PASCRELL. What the heck happened before 2001 if it was a Federal responsibility? The Federal Government did not provide money before 2001.

Ms. HENKE. I am not saying that it did. I am saying currently, sir, aviation security is a Federal responsibility.

Mr. PASCRELL. Is it a Federal responsibility to deal with the transit systems of this Country? Is that a Federal responsibility? What is the beginning and end of the Federal responsibility with that regard?

Ms. HENKE. Sir, we have a partnership with all our stakeholders on the Federal, State and local level and with communities across the Country to address our transit security.

Mr. PASCRELL. We use the word "partnership" when we talk about the airlines, too now, since we are investing so much money in airline security. So we have a partnership with the transit companies and systems throughout the Nation. Therefore, we have a responsibility, I guess, don't we?

Ms. HENKE. It is a shared responsibility, sir.

Mr. PASCRELL. Are we meeting our Federal responsibility as far as you are concerned?

Ms. HENKE. That is something for the Administration and the Congress to determine.

Mr. PASCRELL. I have no more questions.

Mr. PETRI. All right.

Let's see. Mrs. Schmidt, any questions?

Mrs. SCHMIDT. Yes, I have one.

Could you tell me, any one of you, what you feel, do you think that the United States transit systems and intercity bus companies need? What kind of Federal assistance do you think that they need to adequately meet the security needs, and have the amounts provided specifically for transit security been adequate to those needs?

Ms. BUSHUE. Since you were late, I am Sandy Bushue and I am the Deputy Administrator for the FTA, so I would be happy to take on that question.

While we were talking earlier today, while there is no amount of money that can protect it from the threats, I believe at FTA what we have done in the area of human capital, which oftentimes we minimize, but what we have done in the human capital area are three things. We have focused on public awareness, which is a kind of PR campaign that we have given to all of our grantees, worked with them, and have come up with really catchy phrases like in New York City, they have a phrase that the passengers use on poster all over that says, "see something, say something." A great program. That is really important. Passengers are alert.

The second human capital area on which we focus on is emergency preparedness. Grantees' employees receive money to conduct drills, and that has been very effective. So when something does happen, in the event that it does, unfortunately, employees know how to respond.

And the third area we focus on is employee training. That, too, we believe has been very, very effective. We can do more of it and we will be doing more of it, but that has had a very effective role, I believe, in our transit community.

Mr. PETRI. Very good.

I have one or two questions, and we will go into a second round.

This first one is to Ms. Bushue and Ms. Henke. Do you know when the joint Department of Homeland Security and Department of Transportation regulation governing transit security grants will be issued? The statutory deadline I think is February 10, 2006. So that has come and gone.

Ms. BUSHUE. Mr. Chairman, you are absolutely right. I am here to say that we have worked very, very closely with TSA and GNT and FTA on getting that grant program out the door. We expect to publish the notice for proposed rulemaking in May, if not sooner. After doing so, I think we will be ready to start making grants, hopefully going through the process review for that, probably in early fall.

Mr. PETRI. So the proposed rules will come out, when did you say?

Ms. BUSHUE. We expect to publish early May.

Mr. PETRI. Early May.

Ms. BUSHUE. Yes.

Mr. PETRI. And then the comment period and then they go into effect.

Ms. BUSHUE. That is correct, sir, yes.

Mr. PETRI. All right. Well, we look forward to that.

And then also, budget year 2006 transit and rail security grants have not been released by your office for this current budget year. Do you know when they will be allocated? This is for Ms. Henke, actually.

Ms. HENKE. I figured that out.

Mr. PETRI. How much of the $150 million will go for transit security grants, if you know?

Ms. HENKE. Sir, I am going to try to remember the numbers off the top of my head. I believe it is $21 million that will be for intercity bus. I think it is approximately $8 million that will be for Amtrak, and the remaining for transit, out of the funding that has been made available. Those are approximate numbers. We can get back to you with the specifics on that.

It is my hope and our anticipation that they will be released very soon. They are in the final clearance process. We are on a similar timeline as last year. Last year, they came out I believe on April 5. So we are on a similar timeline as last year.

Mr. PETRI. Thank you.

Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman.

Ms. Henke, since we are now thinking about, although my mind is closed to the possibility, but I am in the minority. We will see. This new consolidating of the grants and not recognizing different sector, I want to understand how we might apportion those scarce funds. I am going to give you one example that was pointed out, and this predates you, so there is no way this is aimed at you. The Office of Inspector General had a follow-up report in February, 2006, and in that they say that Fortune 500 companies have been in and out of the pot. They were in the pot originally to get grants, then they were out of the pot, and then they were back in in the last round.

In the last round, a Fortune 500 refinery received a port security grant in round five totaling $1 million for fencing and surveillance upgrades at a refinery located in a major port. It put up matching funds. That is good.

However, you are looking at, as I understand it, $600 million total funding for port, rail, truck, transit, all the security we have been talking about. This company had $1.2 billion of profits in one quarter. That is $12.9 million a day. They could have taken two hours profit and put up the $1 million on their own. Do you support further allocations like this out of that scarce $600 million?

Again, you were not there when this was done. Are we going to take the Fortune 500 companies back out of this rather scarce grant competition, or are going to put them back in? Do you have any information on that?

Ms. HENKE. Sir, the law has them eligible. That was a determination made by Congress, as well as the match.

Mr. DEFAZIO. Well, they were ineligible in round four by administrative rule. Does that mean there was a violation of the law in round four when they were made ineligible by rule?

Ms. HENKE. No. I am speaking to the law now. I will have to go back and check.

Mr. DEFAZIO. I would like to see that the law is changed between round four and five. I am not certain of that. In any case, well, let's just say if we are having to prioritize, how high would you put on the list giving $1 million to a company that makes $12.9 million a day, as opposed to a public transit company or some other business that is struggling more, for instance, the trucking industry?

Ms. HENKE. Sir, I will be honest. I can't answer that question. We need to look at once again the risk that all our infrastructure faces, and we need to make determinations and follow the law on how to allocate those resources.

Mr. DEFAZIO. Sure, but I guess I would just suggest to you that the American public would be pretty incensed to find that we had given a Fortune 500 oil company a $1 million grant to put up fending they should have paid for with two hours of their own profits which they have extracted from the American consumers by price gouging. But be that as it may, I will look forward to seeing the legal requirement that we require Fortune 500 companies to be eligible for these grants when so many other folks are being shorted.

I was told that I created some puzzlement with the way I ended before, so I just want to make it clear. It was something meant to be lighthearted. This is a very heavy subject. Ms. Henke in her former position had boiled down the mission of her agency to Santa Claus, Batman and Mother Teresa. She said Mother Teresa wouldn't work in this new position. So she was having a competition among her staff to replace Mother Teresa, and that is what I was referring to because some people apparently out there were puzzled by my reference.

I put some thought to it, since I asked the question, and I would suggest to you that you change the whole triumvirate here.

Ms. HENKE. I am listening, sir.

Mr. DEFAZIO. Here we go. I will see if I can get the lunch. Santa Claus we would replace with Scrooge, because there is not enough money; Batman, because he is too powerful, we would replace with Underdog, one of my favorites, but he can't quite get things right; and then Mother Teresa, I would replace, and this has a lot of resonance with me, because there is the same amount of money involved that you get for grants and everything, Dennis Kozlowski, because as Tyco's CEO, he is alleged to have committed a $600 million fraud, which is the amount of money we are going to spend on all of our grant program this year. I think there is just kind of a wonderful resonance there. But anyway, you can take it under advisement, and I will see if I get the invitation to lunch.

Thank you, Mr. Chairman.

Ms. HENKE. If not an invitation to lunch on this, maybe on something else, sir.

[Laughter.]

Mr. PETRI. I would advise you not to sip the tea.

Mr. Pascrell?

Mr. PASCRELL. I mean, you can't make this stuff up. You have to admit that.

I have an FTA question. According to the Department of Homeland Security, States that use their homeland security grant funds for transit authority and transit security, and you and I both know that States must use most of these funds to meet the urgent training for police officers and firefighters and paramedics. Both are urgent and deserving causes. It seems that transit security needs are being pitted against that of first responders. In my mind, this is an untenable situation.

What are your thoughts on the ramifications for mass transit security and the FTA's mission in this area? Ms. Bushue?

Ms. BUSHUE. Thanks for the FTA question.

I have to say to you, I am a little surprised at that. I am not aware that transit security—

Mr. PASCRELL. This is pretty basic. I am not making it up either.

Ms. BUSHUE. I am not saying that you are, but I am not familiar that DHS transit security grant money does go, probably it maybe goes to those first responders as it relates to the drills that transit agencies, the money that they receive to conduct the drills, because those drills do include, as I understand, the first responders, which would make sense. When there is an incident in security in transit, it is going to be more than just the transit security police will be involved. The first responders of the community will also be a very vital part of that drill.

So I believe as it relates to the program at the Department of Homeland Security, if money is going to first responders, it is to conduct the transit drills that are very necessary and needed.

Mr. PASCRELL. Madam Deputy Administrator, I am not just talking about no general State homeland grants. I am not just talking about transit. I am talking about all the money. What we have done, and this is piggy-backing on what Mr. DeFazio was talking about. We have established a system at the Department of Homeland Security, that pits one interest against the other.

I never, never got an answer to his question. I am piggy-backing on that, because according to DHS, Homeland Security, States can use their homeland security grant funds. They may use it for transit security, but they also have to use it to train and equip the needs of police and fire. These are competing needs.

Are you clear on what I mean? Maybe I am not making myself clear. I don't think this, in my opinion, that this is the best way to provide transit security.

Ms. BUSHUE. Congressman Pascrell, at the FTA, we advise on transit.

Mr. PASCRELL. I know.

Ms. BUSHUE. We work very closely with the Department of Homeland Security.

Mr. PASCRELL. I am not blaming you guys. I am saying to you do you accept the system?

Ms. BUSHUE. Well, I think as it relates to first responders working closely with transit, I think it does make sense. You have to have a comprehensive approach to security. So from that respect, I think, yes, it does make sense, that first responders are working with transit security police and transit security personnel to ensure when a crisis does occur that they know how to respond and how to react.

Mr. PASCRELL. I don't agree with that. I don't agree with you at all on your answer, which is maybe immaterial. I would ask you to go back and look at that.

Ms. BUSHUE. I would be happy to do so.

Mr. PASCRELL. And I would gladly supply the question, because I think we have established an untenable situation here.

My second question to you is this, SAFETEA-LU, which was our huge five-year plan for transportation in this Country, directs the Department of Transportation and the Department of Homeland Security both to issue a joint final regulation to establish the char-

acteristics of and requirements for public transportation security grants, as you know.

Ms. BUSHUE. Yes.

Mr. PASCRELL. The legislative deadline was February 10. I just want to make sure if I caught your answer, those regulations will be done by May?

Ms. BUSHUE. The notice for the proposed rulemaking will be out by May, correct.

Mr. PASCRELL. Thank you.

My next question to you, the Federal Transit Administration has explicit statutory authority to oversee and regulate transit safety through making grants. Federal transit funds are required to be expended on security improvement as well. In fact, transit systems in urbanized areas, areas of more than 50,000 population, are required to expend at least 1 percent of their Federal formula grant funds each fiscal year for transit security projects.

In your opinion, have these sources of funding been adequate for FTA to successfully carry out the mission and how are FTA grants and Homeland Security grants harmonized for maximum security? What kind of meshing, melding is going on here? And are additional funding sources necessary?

Ms. BUSHUE. Absolutely. The 1 percent is the floor. Our transit grantees can use actually as much as they want, but the 5307 money for eligibility for transit security activities such as, again getting back to the public awareness campaign, the training of employees in emergency preparedness drills, they can use their urban formulas urban grant money for those activities.

Now, regarding coordination, that gets back to our chart here.

Mr. PASCRELL. I was looking at it before.

Ms. BUSHUE. I know it probably looks maybe a little bit bureaucratic.

Mr. PASCRELL. That is one of the more simple ones that we have seen.

Ms. BUSHUE. Thank you. I think it is as well, and that is why I wanted to show it to the Committee, because this is the blueprint. I would like to say that we really do have a very good relationship with the Department of Homeland Security and we are fixing and looking at that coordination to ensure that those eight, I would submit to you, very important what we call project management teams or modules are working and be effective.

Mr. PASCRELL. I just wanted to alert you that the more folks on that side say that there is great coordination and relationship, we have found that there is trouble in Dodge City. I just wanted to warn you in that regard.

Just in conclusion, I would say this, Mr. Chairman. Thank you for your patience, number one. And I thank the members of the panel. But I have some serious reservations about how this is working. I truly believe, and I don't think you have contributed to it, I hope not, that this attempt to help transit security in this Country, which I think is a huge problem, a huge problem, which we have not started to solve, reflects the dysfunctional nature of DHS.

If we can't get this right, in terms of past history before 9/11 in other countries, then we cannot say to the American people that we

have moved. We are never going to have a seamless system. We know that, but to simply say that the chances of this happening, that is not good enough. You know it is not good enough, and that is not how you protect American citizens. That is not how you protect American citizens.

So thank you for your presentations.

And thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Other questions? If not, we thank this panel, and turn to the second panel, which consists of Mr. William Millar, President of the American Public Transportation Association; Peter J. Pantuso, who is the President and CEO of the American Bus Association; and Mr. Michael Siano, International Executive Vice President of the Amalgamated Transit Union.

We thank you all for coming and for reducing the summary of your testimony to five minutes. We will begin with the very familiar figure before this Committee, and that is Bill Millar, President of the American Public Transportation Association.

TESTIMONY OF WILLIAM W. MILLAR, PRESIDENT, AMERICAN PUBLIC TRANSPORTATION ASSOCIATION; PETER J. PANTUSO, PRESIDENT AND CEO, AMERICAN BUS ASSOCIATION; MICHAEL SIANO, INTERNATIONAL EXECUTIVE VICE PRESIDENT, AMALGAMATED TRANSIT UNION

Mr. MILLAR. Good afternoon, Mr. Chairman. Thank you for that nice introduction. It is certainly great to be back before this Committee. I want to particularly commend you and Mr. DeFazio on the Committee for having these hearings on this very important topic.

I believe the last time that I appeared before this Committee on this topic was in June of 2004. It was shortly after the terrible terrorist bombings in Madrid. Much of what I have to say unfortunately is the same as it was then. I am particularly appreciative as I hear the members' questions this afternoon. It is very clear that many of the members of this Committee have a very clear understanding of the issues and some of the difficulties that are here.

Also, I want to thank the Committee for sponsoring H.R. 5082 in the last Congress. We believe legislation like that is essential if we are going to get proper resources for improving the security of the millions and millions of Americans who rely on public transit. We look forward to continuing to work with the Committee to develop such legislation as you may feel are appropriate.

In my testimony, I cover many of the basic statistics. I can tell from the members' comments that they are well familiar with those statistics, so I think I will move along and really focus on a couple of issues.

First, and I think it is inherent in some of the question that were asked earlier and it is very important. We cannot make everybody perfectly safe. We understand that, but we can do better. We can do reasonable, common sense investments in transit security that will make the citizens who rely on our systems safer; that will make our employees safer; and will make the communities in which we operate safer.

With your permission, Mr. Chairman, I didn't bring it with me today, but I would like to submit to the record a copy of the oft-referred to earlier survey that we did on the kinds of things that our members believe are necessary to improve security.

Mr. PETRI. Without objection, it will be a part of the record when you submit it.

Mr. MILLER. Now, that survey suggested that we ought to invest at least $6 billion. It was the best estimates we had in late 2003, when that survey was taken. Some have suggested that seems like a very high number. Well, it certainly would be good rhetoric to say how much is one life worth, how much are thousands of lives worth. Yes, it is very hard to say exactly what the right number is, but the kinds of things that our members know need to be done are exactly the kinds of things that the GAO just told you, based on their examination not only of U.S. transit systems, but transit systems from around the world.

And they are very common sense things, making sure you have good, reliable, interoperable radio and other types of communication systems; making sure that you are using the latest in technology of camera and video technology, both to prevent and, as we heard in the London case, quickly arrest the perpetrators afterwards; make sure we have automatic vehicle locator systems; make sure we have proper training for our employees; make sure that our employees have the opportunity to drill, to practice the skills that they have been taught. And the list goes on and on and on.

As one might say, this is not rocket science. We know what needs to be done to make our systems safer and more secure. We have invested well over $2 billion. That is a number from two years ago. We hope to update that number. We have invested well over that.

We understand, with all the financial pressures on the Congress, we may need to, rather than look at $6 billion quickly, we may need to spread that out over time. This year, we have asked the Appropriations Committee to provide at least $560 million in the 2007 Homeland Security appropriations for transit grants. That would be a good down payment on the $6 billion investment we should be making.

We have also asked that the Congress provide $500,000 to the Department of Homeland Security to support the development of the standards. Our chart over here, if you notice there is APTA up in the upper right-hand corner there. One thing we are very pleased with is that the Department of Homeland Security, like FTA, like FRA, have understood the wisdom of using industry knowledge and knowhow to develop standards, but it takes investment. We are suggesting at least $500,000 a year in that investment.

Finally, as again the GAO found, one of the key things to making our system safer is to have proper intelligence ahead of time of what the terrorists may be wanting to do. The Congress gave FTA a number of years ago a grant to help establish something called the Public Transit Information Sharing Analysis Center, ISAC is the inevitable acronym for that. The money for that has frankly run out. We have suggested to the Department of Homeland Security that has turned out to be very valuable. We should fund that,

so we are also asking the Congress to provide $600,000 so we continue a proven success in the ISAC area.

Finally, we are asking the Department of Homeland Security to simplify the grant process. Several of the members earlier talked about the complications of the DHS grant process. I happen to have here a recent presentation that staff members from the DHS made describing the last few years of the program. As was correctly identified, we have had this program four years. We have had three different agencies inside DHS that have tried to administer this program. In last year's program alone, in addition to all the other requirements, there were five new requirements.

Some people have said the money has flowed slowly. In fact, we have said the money has flowed slowly. Well, when you constantly change the requirements, when you shuffle new personnel in and out, when you keep moving the shells, it is very hard to get the rules right to move quickly on the grants-making process.

We think there is a simple answer. We think the work this committee has done over the last frankly couple of decades in developing a process that works very well, and that is all of our members already have a granting relationship with the Federal Transit Administration. We think it should not be a problem for the Congress and the DHS to agree on the rules.

Then whatever that is and whatever appropriation it is, simply transfer it to FTA, and let it go out through their grant mechanisms, which we already do, and then you have the audit trail already established because it is already there. It is something this Committee developed years ago. It works very, very well. There are coordination mechanisms in it to make sure that we properly spend the money, and it goes on and on.

I know my time is up. I would be happy to go into these or any other topics in greater detail at your pleasure. Again, I appreciate the invitation to be with you today.

Mr. PETRI. Thank you.

Mr. Pantuso?

Mr. PANTUSO. Thank you, Mr. Chairman, Ranking Member DeFazio, and the members of the Committee, for holding this hearing.

The American Bus Association and our members take very seriously the duty to provide safe bus transportation and efficient transportation. We want to make sure that "safe" also means secure.

While our name may connote only transportation, our reach is certainly much broader. We serve as the voice for almost 1,000 bus and tour operators around the Country, representing 65 percent of all the private buses on the road, as well as another 2,800 members who are in the travel industry, State and local tourism offices that represent national treasures like the Sears Tower or the Statue of Liberty, the Golden Gate Bridge.

ABA members have assessed the security needs in the industry over the past number of years. Our operators tell us that what they need to protect their passengers is security training as their first priority. They need to train personnel, drivers, dispatchers, mechanics, both in techniques of threat assessment and in threat recognition, as well as in crisis management.

Their second greatest need is for equipment, including communications systems that connect buses with the home-bases, and with first responders wherever those buses might be in the Country. They also need equipment such as driver shields and cameras and wands to wand passengers at bus terminals around the Country. And they need protection for bus terminals.

Third, they need information systems that allow operators real-time information, including the status and location of their equipment and their personnel.

This need for security funds and grants extends to intercity schedule operators, to shuttle operators, to charter and tour operators, to other providers in the industry. Beginning each spring, for example, the charter and tour industry begins to arrive in the Nation's capital, tens of thousands of buses roll into Washington over the next couple of months, and millions of tourists blanket our city. And while the motor coaches that bring these citizens are ubiquitous on the streets of Washington, the buses and the people they carry must be protected.

Compared to other modes of transportation, as has been mentioned, the security needs of the private bus industry are fairly modest, but the need for Federal funding is large. The private bus industry is one of small businessman and businesswomen. Since 9/11, Congress has given the airlines tens of billions of dollars for security. Since the Madrid terror bombing, rail security funding has been increased. But the amount appropriated to the private bus industry amounts to less than one cent per passenger. At 774 million passengers that we move annually, we move more than the airlines and Amtrak combined, that level of funding is totally inadequate.

Over the past several years, ABA has worked with this committee on security funding, but as you pointed out earlier, Mr. Chairman, Congress has not yet passed a comprehensive bus security bill. ABA has also worked with the Appropriations Committees in both houses to obtain security funds and grants, but have only received $55 million over the past five years in total, slightly more than $10 million per year.

The private bus industry has made good use of the funds that we have received, providing nationwide classroom security training, printed and electronic materials for the industry, and individual bus companies have likewise developed successful initiatives with these funds. Greyhound, for example, is using funds and their own money to increase wanding at their largest terminals. Wisconsin Coach Lines has used grants to purchase wanding devices, as well as metal detectors. Other grants have been used to secure garages and for training as well.

Obviously, there is much more to be done, since only 20 percent of the demand was met in 2005 grants and since only one-half of the companies that applied for grants received them. And that, under the auspices that 90 percent of the private bus companies in the Nation were excluded from even being able to apply for security grants last year.

I would also point out that what we have discussed and proposed today can and will be of benefit in any emergency or disaster situation. After the aftermath of Katrina and the role that our members played in moving people out of that disaster area, those kind of

services, systems and products that we are talking about would be beneficial in the future.

In the future, Mr. Chairman, our members need improved GPS systems, additional real-time information. More importantly, they need expanded baggage, passenger and package express screening.

In conclusion, what this industry really needs in the long term, as has been mentioned by my colleague, is some type of sustainable funding, something that will continue the efforts which began a number of years ago. The programs and the funding stream for security cannot start and stop. Security is not a start and stop exercise, but one that requires an ongoing plan and the funding stream to maintain that plan.

Mr. Chairman, the American Bus Association looks forward to working with you and with the committee to ensure that the transportation system justly lauded for safety, reliability and low cost, retains that ranking when security is added to the list of duties.

Thank you for your time. I will be happy to answer any questions.

Mr. PETRI. Thank you

Mr. Siano?

Mr. SIANO. Chairman Petri, Ranking Member DeFazio and members of the Committee, on behalf of the members of the Amalgamated Transit Union and International President Warren George, I would want to thank you for giving me the opportunity to testify today on the ATU's priorities and strategies for enhancing transit and over-the-road bus security.

Faced with the realities of terrorist attacks against mass transit, the ATU has for years worked to raise awareness of our members and employees to this danger and to advance the real solutions and initiatives to enhance the safety and security of the systems that our members operate and maintain. We firmly believe that the labor community must be a partner in any effort to address the security threats facing our industry.

For that reason, we have worked closely with our members, the transit and bus industries, Federal Transportation Administration, the Transportation Security Administration, and elected officials at all levels of government.

A short list of our efforts include producing and distributing a security training video and pamphlets, conducting a joint labor and management conference on transit security, working with DOT and industry security experts to develop Transit Watch, and contributing to the design, distribution and promotion of the National Transit Institution security and emergency response training programs for frontline transit employees.

The transit and over-the-road bus industry themselves have also taken steps toward securing their operations, but due to in large part funding constraints, they have not gone far enough. The Federal Government must step up to the plate and provide the necessary funding, guidance and even mandates to provide the level of security that transit and bus passengers and employees deserve.

Common sense tells us that the single most important thing that we can do to increase transit and over-the-road bus security is to provide each and every frontline transit employee, including rail and bus operations, customer service personnel and maintenance

employees, with security and emergency preparedness and response training. While we should not abandon research and development of new technologies, we must recognize what has been proven to be the most cost-effective security measure: employee training.

In the event of a terrorist attack within the mass transit system, the response of employees at a scene within the first few minutes is critical to minimize the loss of life and the evacuation of passengers away from the incident. Transit employees are the first on the scene, even before the police, firefighters and emergency medical response. They must know what to do in order to save the lives of their passengers and themselves.

During the 1995 sarin gas incident in the Tokyo subway system, two transit employees unnecessarily lost their lives when they tried to dispose of the gas devices themselves, instead of simply evacuating the scene. Proper training would have prevented these losses and possibly decreased the number of passengers who were exposed to this deadly gas.

Frontline transit and bus employees are also crucial in preventing attacks. They are the eyes and ears of the system and are often the first to discover suspicious activities and threats, or the first to receive reports from passengers. They need to know how to recognize threats and the appropriate protocols to follow for reporting and responding to these threats.

Security experts and officials from both the FTA and the TSA have publicly recognized the need for employee training, and yet little, if anything, has been done to ensure the training is provided. While many in the transit industry claim that employees are being trained, this is simply not reality. I know it because I have talked to our members, the ones who supposedly are being trained, and they tell me a different story.

A survey of ATU members conducted in the past fall confirms what I have heard from members. While the results are still being compiled, the preliminary results indicate that approximately 60 percent of ATU members working for the U.S. transit systems remain untrained in emergency preparedness and response. Surprisingly, this number includes employees of transit systems in major cities that are high-risk of terrorist attacks. For security reasons, I will not publicly disclose the names of these systems.

Despite overwhelming evidence supporting the need for training and the availability of free training programs through NTI, transit systems continue to resist calls for training because of the operating cost to pay employees and to keep the buses and trains running during the training sessions. It is time that the Federal Government stepped in to not only provide funding for the operating costs associated with training, but also require all transit systems to train each and every frontline transit employee.

The leadership of this Subcommittee and the T&I Committee as a whole recognized the need for such action in the last session of Congress when you reported out a bill that would have authorized significant funding for both transit and over-the-road bus security, and would have required transit systems to provide the training to frontline employees as a condition of receiving such funds. The

ATU supported this bill and we will encourage the committee to move similar legislation as soon as possible.

We need to take action now to address the security needs of the transit and over-the-road bus industries, and most importantly to train the workers in these industries. Doing so now will save lives.

I thank you again for the opportunity to testify on behalf of the ATU, and I would be happy to answer any questions you may have.

Mr. PETRI. Thank you very much.

Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman.

Thanks to you three for your testimony.

I guess I would just ask one question. I think you were all here in the room when we were, and I am not going to ask the three people to describe the agency, although you might get in the contest too and see if you can get a free lunch from Ms. Henke.

But this new TIP Program, I mean, I think Mr. Millar, you pretty much addressed that in saying how if every year you changed the program, it is pretty hard for people to figure out how to apply consistently and actually get the money. And then they say, well see, the people don't really need the money because, hey, we didn't use it.

I mean, do any of you think this is a good idea that we would have transit compete with ports, compete with trucking, compete with all the other needs we have?

Mr. MILLAR. Sir, we do not think it is a good idea. All the things you have just mentioned are important, and in their own way have to be properly secured. Homeland security is part of national security. Since the founding of the republic, national security belongs to the Federal Government. I learned that in civics class a long time ago. I assume everyone else in the room did too. They have not yet learned it at DHS.

Mr. DEFAZIO. Well, we are busily rewriting the textbooks as they change the grant process.

Do either of the others, yes?

Mr. PANTUSO. Yes, sir, Mr. DeFazio, we would certainly agree that it makes no sense to put each mode in competition for funding. There are too many instances where the modes compete for other funding programs right now, and where it relates to security we should all be working as a system and a unit for security.

As Mr. Millar pointed out earlier, it makes no sense to have programs that change from year to year or time to time. We have been through that in our own industry enough. Every time that there is a grant application available and up for the members of the industry, it is different than what they applied for before. Sometimes they can participate, sometimes they can't. Some things they want, some things they don't want. It makes it confusing. So it is very, very difficult to try to secure a system, let alone a mode, when you are changing all the time.

Mr. DEFAZIO. Yes.

Mr. SIANO. My answer would be no. Transit should be a separate grant program and should not have to compete with ports and rails for funding.

Mr. DEFAZIO. Great. Thank you.

I guess one other, Mr. Chairman. I can't help myself on this one. Do you have any opinion on giving a Fortune 500 oil company that makes $12.9 million a day a $1 million grant to put fencing around one of its port facilities? Do you think that is something, given the amount of money we have available and the needs of your folks, that that is a good expenditure of tax dollars? Does anybody want to volunteer on that one?

Mr. MILLAR. I will volunteer and add to it. It certainly does not make sense to us. We just don't understand it. The other thing don't understand is that sometimes our members are told to do certain things in the name of security. I think of a small Midwestern transit system member we have. They were told to put fencing all around their property. They are in a very small town.

I am not sure what the risk is, but hey, they were told to put the fence in. They applied for grants. They put the fencing in. Right next to them is a major fertilizer company producing the kind of product that blew up the building in Oklahoma City, and they aren't required to do anything. We really wonder in a small town in the Midwest which is the greater threat.

So you see these kind of inconsistencies all the time. It is very frustrating to our members and our members simply don't understand it.

Mr. DEFAZIO. Well, neither do I, Mr. Millar. Maybe we will find that in the new textbook, too.

Okay, thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Blumenauer?

Mr. BLUMENAUER. I would just like to follow up on one item. When we are talking about prioritization for grant monies, there are a number of areas that are legitimate targets for terrorism. It seems to me that what you gentlemen represent in the presentations you made is you represent a sector that is not just a target, but it is part of the solution to incidents, be they terrorists or natural disaster.

Earlier, you may have heard I referenced what happened with Hurricanes Rita and Katrina, where transit had the potential. We have referenced what the independent bus operations did, for instance. We have had transit agencies and employees from around the Country step in to try and help New Orleans.

It seems to me that one of the areas that deserves special consideration, and why we need to train the workers and equip the systems is that there is a likelihood that they may be a target based on the last 20 years of history, and what you represent will be a solution to a wide range of incidents, be they terrorist or more likely natural disasters.

Do you have any thoughts about how we might weight the grants, weight the attention, weight the oversight and investment to represent the dual nature of the service that you gentlemen represent, or services you gentlemen represent?

Mr. MILLAR. Yes, sir. We have several ideas in that regard.

First, we believe that there is a basic level of training and information that must be given to all transit operators to all transit employees. We certainly agree with the ATU on that point. Beyond that, we are certainly in agreement with DHS that for significant

amounts of investment, we certainly are prepared for some kind of risk-based approach. That would seem to make logical sense.

But I think as several of the members questioned the previous panel, figuring out how you figure out those risks is another matter. For example, last Friday I was in Gulfport and Biloxi, Mississippi meeting with the transit officials who are struggling the best they can, now seven months after Katrina. Their FEMA money was taken away from them on March 1, and now they are making it on their own, so to speak, in this.

It is very clear to me from what I saw that day that, one, they have done a great job in supporting their community; and two, they could do a lot more; and three, much of what is necessary to improve transit systems in the security area is equally applicable in natural disasters, as my colleague from ABA has already said.

So if we are going to go to a risk base, which makes sense to us. I think we have to think of it in bigger terms. We have to realize the contribution that transit makes and, as several of us have said, the transit workers are also the first-line responders, so how does that factor into the whole thing as well.

So yes, it is complicated, but if there isn't sufficient resource, if there isn't enough money, then we wind up fighting over crumbs and we really do not get better security and we really do not get better at preparing for natural disasters. So we need a significant increase in funding and then we need to work together and cooperate to develop what makes sense in terms of risk assessment.

Mr. PANTUSO. Congressman, let me only support what Mr. Millar just said and my other colleague from the ATU, that if we are looking at priorities, the first priority is certainly the people. The efforts that were put forth by the transit community, by the private bus industry following Katrina relied on people. But it also relied on equipment, on some basic communications equipment and systems that are not in place right now.

Our buses, unlike the transit systems, move all over the Country, and they have a different need because they are in different places. They are not at a home base every single night. So in simple terms, people and some basic levels of equipment are what we need and what we should prioritize. It is not a lot of money in terms of the scope, but it is moving in the direction much further than we have done in the past.

Mr. SIANO. Just a comment. The people and the bus drivers and mechanics down in the area of Hurricane Katrina, just so you understand that the people that they are talking about, they are our members down there. So we have a big stake in what is being done down there.

I had an opportunity just a few weeks ago to visit three days down there with our members down there. I cannot explain to you at all the devastation that is down there. You can't imagine and you have to be there to see it. They are running some service down there. They are not collecting any fares. Maybe about 50 percent of the employees are driving the buses. Other than that, 85 percent of the people are not working yet, not collecting a paycheck, and it is obviously a disaster all the way around.

Mr. BLUMENAUER. I was disturbed, Mr. Siano, in your testimony, that still over half your members have not received training.

Mr. SIANO. Oh, that is absolutely true.

Mr. BLUMENAUER. I find that troubling, deeply troubling.

Mr. Chairman, my point about looking at transit systems and bus operations as part of the infrastructure, as well as the target, it seems to me that there may be some special consideration we may think about, because it is not just protecting and site-hardening and training, but it is how we use them to help in the next flood, the next hurricane, the next catastrophic event that requires moving large numbers of people safely. I would love to explore with our witnesses if there are ways that we might be able to quantify and factor that in as we look at other legislative vehicles.

I think they are generically different than other targets that we are looking at. We don't rely on a chemical plant to help recover from a hurricane or to avoid one. So I think there is some special weight that needs to be considered.

Mr. MILLAR. If I might just comment on that. Within APTA, we have created a task force of transit systems around the Country to examine how we might do a better job of helping each other in times of disaster. While it is focused on all kinds of disaster, certainly trying to learn the lessons coming out of Katrina, and we would be honored to share with this committee the work that we are doing there and seek your input and advice as well, because we believe that as an industry, we can do a better job of being better prepared so that we can do the things that you alluded to and that we agree need to be done.

Mr. PETRI. Mr. Pascrell?

Mr. PASCRELL. Thank you, Mr. Chairman.

I would like your very brief reaction to the following. I want to finish the equation I was talking about earlier. That is, since fiscal year 2003 to now, 2006, $387 million has been spent by the Federal Government to assist you in transit security. So that is a little bit more than $100 million a year. In that very same period of time, we have spent $14 billion in aviation security. That is almost $5 billion a year.

And then I said, that is a penny per passenger for transit. It is $9.16 per airline passenger. Now, how do you read that?

Mr. MILLAR. We read that as there has been enough investment in transit security. I don't know whether $9 is the right number for airports. That is not my field, but a penny is not enough for public transit.

And while I have not taken our $6 billion and divided it, we could make that mathematical calculation, but the point is we need to get serious about this investment. There are common sense investments that need to be made. Only the Federal Government has the financial resource base to make sure that the things that should be at every transit property are at every transit property. We need to go forward to protect the millions and millions of Americans who use public transit every day.

Mr. PASCRELL. Mr. Pantuso?

Mr. PANTUSO. Well, I think if you use as the backdrop the Chairman's opening remarks, looking at the fact that surface transportation has been the target around the world, again, if you look at our segment of surface transportation, moving 774 million people a year, and only receiving on average $5 million per year over the

last five years, we are nowhere close to what it takes to protect this industry, or even to begin thinking about protecting this industry. We are millions and millions of dollars away from that point in time.

Mr. PASCRELL. Mr. Siano?

Mr. SIANO. Yes, it is my belief that people of influence and money fly planes. It is as simple as that. I think there was a time when I was younger and remember that everybody rode a bus, whether they were going across the Country or just going to the next city in New Jersey where I live.

So I mean, the bus business was booming. But now with the airlines taking everything, and I agree, I think that is the ratio, a penny to almost ten bucks. I think that is a disgrace. I think that the people that ride our systems, whether Bill or I like it or not, are mostly, except for commuters living outside a big city like New York and driving into New York City from New Jersey, I think that they get the short end of the stick.

Mr. PASCRELL. It was implied after the natural catastrophe of Katrina, which was like an onion, when we peeled it away and saw the poverty that existed, both in that area and then after Rita in Southeast Texas. It was implied that if this happened in other areas, the response would have been quite different. Is anybody that cruel, that we would divide our money in terms of everything is a priority, nothing is priority, so we prioritize. We haven't said, or you don't perceive it that way, do you, that this group of people is obviously more important than those group of people. You don't think that is at the basis of this, do you?

Mr. MILLAR. I would certainly hope not. That cannot be the basis for our democracy.

Mr. PASCRELL. Well, of course, of course. Let me ask one more quick question. What is the first thing that you need, besides, we are talking about Federal money, what is the first thing that you need, each of you, that you see the money should be going for? So it is not just general, say, categorical money?

Mr. MILLAR. The money needs to go to prepare our people to implement the plans we already have, so it goes into training; it goes into drills; it goes into making sure they have the basic equipment they need to do the job they want to do.

Mr. PASCRELL. Mr. Siano, do you agree with that?

Mr. SIANO. Yes, absolutely. I absolutely agree that we need the money to do the necessary things to keep this transit system afloat in this great Country of ours, without a doubt.

Mr. PASCRELL. Mr. Pantuso?

Mr. PANTUSO. I agree with that for the most part. The personnel and training and communications are the two priorities. The other thing that I would put in that box as well that is not an additional cost is the issue of coordination, coordination between the different segments. Most of Mr. Millar's members, all of Mr. Millar's members obviously fall under FTA, and there are some great things that FTA is doing. But I can tell you that two years ago when we sat together on the same panel, and we looked at a similar kind of chart—

Mr. PASCRELL. Funny you bring that up.

Mr. PANTUSO. We don't get in the private bus industry access to some of the great information that is already put together, that FTA has developed and working with Bill's group.

Mr. PASCRELL. We are no further down the road in interrelating, and I apologize for the Federal Government for that, really. It is a darn shame.

Thank you very much.

Thanks, Mr. Chairman.

Mr. PETRI. Thank you.

I have one question for the panel, and that is whether as an industry, the transit and intercity bus communities are still seeking authorization for transit and over-the-road bus security grant programs, authorization language or legislation. Since you are already receiving appropriations, why would authorization be important?

Mr. MILLAR. We think authorization is essential. Yes, we are seeking that. We believe that the President has said that the battle against terrorists is a long-term proposition. Our understanding is that having solid programs properly authorized and funded by the Congress is going to be what is necessary over a long period of time to fight this battle and to have our citizens and communities and employees safer than they are today.

So yes, we think authorization is important, essential, and that then it be followed up by proper appropriations, consistent with the program structure that would be authorized.

Mr. PANTUSO. Mr. Chairman, I would agree. The authorization process also doesn't pit mode against mode or dollar against dollar. Part of the challenge I am sure we all face by going the appropriations route, as opposed to through an authorization, is that we are competing for other programs, other projects, regardless of what they may be, whether they are security or something completely unrelated.

The appropriations process sets out a long-term commitment that we can follow as an industry, put the plan in place, and allows us to move forward and meet that plan, and not have a program that is going to stop, start and change from minute to minute or year to year.

Mr. PETRI. Maybe just one follow-up question, Mr. Millar. In your testimony, you mentioned that there is already a kind of a grant and an interrelationship between the Federal Transit Administration and your members, and accounting the whole process in place, and that therefore homeland security grants would make sense to do as part of that process, or as an add-on to that process, rather than a whole separate process with different bureaucratic requirements and all of that.

I am just curious as to whether you both feel that way. Your bus programs do not have that same relationship, so it probably doesn't make much particular difference to you how that grant process is organized.

Mr. PANTUSO. A long-term commitment regardless of how that is developed is important to us, but where that money goes, whether it continues to go through DHS as opposed to through Transit or through other programs is really immaterial. We are not unhappy with working with Homeland Security right now. What we are un-

happy about is the way that program has been managed off and on over the last number of years.

Mr. MILLAR. We think that history has proven that the coordinated approach that is in the Federal Transit program works. We think that the Department of Homeland Security has advocated, for example, sending the grants through States, and then the States send it down to the regions. Well, that just adds an unnecessary step and adds additional costs.

In the months following the terrible tragedies and terrorist attacks of 2001, we developed, because we already had a relationship with FTA, FTA immediately stepped out. They did sensible things. They consulted with the industry. They were very good to work with on this. We think that you may as well take advantage of the relationships that are well established.

We also can appreciate DHS's problem. They may not want to deal with several hundred transit systems. We can understand that. But FTA already has those relationships established. So as I said in my testimony, let the Congress set the policy; let DHS set the policy; and then once that is set and the funding levels are set, turn the money over.

All the transit systems, urban and rural, already receive formula money. It doesn't seem like it is that big a stretch to us to then have another line item put in that budget, use the electronic funds transfer mechanisms. For example, in DHS right now, transit systems have to complete the project, get it certified as done by DHS before they can get the money to reimburse. So you know, you go a year or more getting the money.

With FTA, the way you have structured their program, progress payments can be made available. You can get electronic funds transfer within a day or so of when you submit the properly supported invoice. The infrastructure is already there. To us, it seems like taking advantage of the infrastructure that is already there and works makes sense, rather than starting up a new infrastructure, as has been proven in the four years so far of DHS. I am certainly sympathetic that they are evolving their program, but we are losing time, and time is money.

So our plea has been, let's use what works and makes sense. That isn't to say every year you won't have a little bit of variation as we learn more. That is natural, but this wholesale changing, three different organizations to manage the funds in four different years, five major changes in the program last year alone, that is not conducive to good management of public funds, in my opinion.

So I think there is an answer. If there were no answer, the way DHS is doing it might be the only way. But there is an answer, and it works, and it is proven, and we ought to take advantage of it.

Mr. PETRI. Well, we are from the government and we are here to help.

[Laughter.]

Mr. PETRI. Thank you all for your testimony.

[Whereupon, at 4:20 p.m. the subcommittee was adjourned, to reconvene at the call of the Chair.]

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

STATEMENT OF SANDRA BUSHUE
DEPUTY ADMINISTRATOR

Before the

SUBCOMMITTEE ON HIGHWAYS, TRANSIT & PIPELINES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES
"TRANSIT AND OVER-THE-ROAD BUS SECURITY"

March 29, 2006

Good afternoon, Mr. Chairman, and Members of the Subcommittee. I am pleased to have this opportunity to testify on transit security.

America's transit systems are dynamic, interconnected, and composed of over 6,000 local systems. Unlike airports, these systems are also inherently open, and therefore difficult to secure. In New York's Penn Station alone, more than 1,600 people *per minute* pass through its portals during a typical rush hour. The combination of open access and large numbers of people makes transit systems an inviting target for those who seek to cause the United States harm. The deliberate targeting of the public transportation systems in Tokyo, Moscow, Madrid, and London by terrorists underscores this point.

However, we are able to build today upon a foundation for transit security, established in the years following September 11, 2001. The Federal Transit Administration (FTA) has three strategic security priorities: public awareness, employee training, and emergency preparedness. Each of these priorities provides focused benefits to the dynamic, open nature of America's transit network. Programs such as *Transit Watch* educate passengers to be mindful of their environment, and how to react should

they see something suspicious. Employee Training develops the skills of 400,000 front-line transit employees, who are the eyes and ears of the transit network, and first line of defense against terrorism. Emergency Preparedness programs build local, collaborative relationships within communities that allow for quick and coordinated response in a crisis. Over the last five years, we have learned that terrorists adapt and change their strategies in response to security measures. But regardless of where an attack comes from or how it is devised, security training of employees and the awareness of passengers can help to prevent or mitigate it.

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) mandates several steps to move transit security forward through collaboration among federal, state, local, and private entities. In September 2005, FTA and two agencies within the Department of Homeland Security -- the Transportation Security Administration (TSA) and the Office for Domestic Preparedness, now the Office of Grants & Training (G&T), signed the Public Transportation Security Annex to the Department of Transportation (DOT)/Department of Homeland Security (DHS) Memorandum of Understanding (MOU) on security. The Annex identifies specific areas of coordination among the parties, including citizen awareness, training, exercises, risk assessments, and information sharing. To implement the Annex, the three agencies have developed a framework that leverages each agency's resources and capabilities.

With the Annex in place as a blueprint, FTA, TSA and G&T have established an Executive Steering Committee that interacts with DHS, DOT, and transit industry leaders. This committee oversees eight project management teams that spearhead the Annex's programs. Each of these programs advances one or more of FTA's three security

priority areas, which again are public awareness, employee training, and emergency preparedness. We have been implementing the Annex energetically since its inception. The eight teams are as follows:

1. Risk Assessment and Technical Assistance Team

The *Risk Assessment and Technical Assistance* team is using a risk-based approach to transit security, working toward one industry model for conducting transit risk assessments. They are updating the "top 20" security action items list created by FTA, and identifying next generation technical assistance to address security needs identified by transit agencies themselves.

2. Transit Watch and Connecting Communities Team

The *Transit Watch and Connecting Communities* team is reinstating and expanding these two FTA programs, which foster public awareness and coordinated emergency response. The initial roll-out of Transit Watch helped to institute this program at many transit agencies across the country. The next phase of Transit Watch will include a focus on unattended bags, Spanish language materials and emergency evacuation instructions. The first four new Connecting Communities forums will be held this May and June, with eight more forums slated for the fall.

3. Training Team

The *Training* team is developing new courses on timely security topics such as chemical and biological protocols and strategic counter-terrorism for transit managers, and working to facilitate one integrated curriculum.

4. Safety and Security Roundtables Team

The *Safety and Security Roundtables* team works on direct stakeholder outreach. They are planning two events per year for the safety and security chiefs of the 50 largest

transit agencies, including a focus on peer-to-peer forums for the chiefs. The next roundtable is set for May in San Francisco, California.

5. Web-based National Resource Center Team

The *Web-based National Resource Center* team is developing a *secure* library site for information on best practices, grants, and other security matters. Access to the National Resource Center will be available to security chiefs of transit agencies.

6. Emergency Drills and Exercises Team

The *Emergency Drills and Exercises* team is reinstituting the well-received FTA drill grant program, and has updated the program to incorporate DHS Exercise program guidance. The scope of this effort includes both tabletop exercises and regional field drills.

7. Annual Plan and Grant Guidance Team

The *Annual Plan and Grant Guidance* team is establishing the process for joint FTA, TSA and G&T review of Regional Transit Security Strategies included in grant submittals, and developing an outline for the Annex Annual Plan. While G&T is administering the transit security grant program funds provided by Congress, FTA is lending its subject matter expertise to the process. In the context of the Annex, we are also able to leverage our longstanding working relationships with transit agencies to help DHS and TSA develop and vet security initiatives.

8. Standards and Research Team

The *Standards and Research* team's primary focus is the development of industry security standards. As you know, this is a critical area because it addresses such topics as standards for blast resistant trash containers, closed circuit television, intrusion detection,

training, and chem-bio standards, just to name a few. Because these standards will be a primary basis for establishing industry benchmarks, we are proceeding carefully with both industry and federal partners to find the best approach.

SAFETEA-LU also requires a joint DOT/DHS rulemaking for the transit security grants program. FTA has partnered with G&T and TSA to develop a Notice of Proposed Rulemaking (NPRM), which we anticipate publishing soon. In drafting the NPRM, we used the MOU Annex to develop a framework for FTA to provide technical support to DHS.

I would like to add that FTA also supports security projects through its section 5307 urbanized area formula grants program. Under that program, transit agencies may spend at least 1% of their annual formula funds on public transportation security. In addition, SAFETEA-LU usefully expands the definition of the section 5307 funding eligible for security projects to include FTA's priority areas of public awareness, employee training, and emergency preparedness. As you know, in contrast to TSA's broad statutory authority for security in all modes of transportation, FTA has limited regulatory authority on security matters, and we do not have a dedicated security grant program. Historically, we have influenced transit agencies' security practices through training programs, the development of guidance for transit agencies, our grant requirements, and our research programs. We will continue to use all of these resources to improve transit security. In addition, we are assisting TSA in ensuring that transit systems implement the baseline protective measures set forth in the Transportation Security Directive that TSA issued to passenger rail systems on May 20, 2004.

Mr. Chairman and Members of the Subcommittee, I want to assure you that FTA has, and is, using all of the resources and capabilities in its toolbox to strengthen the joint

security initiative formalized in the September 2005 Public Transportation Security Annex to the DOT/DHS MOU. The MOU Annex expands that toolbox. Since September 11, 2001, transit security has benefited from exceptionally strong partnerships, and genuinely collaborative initiatives, among the industry, different agencies and departments...and the MOU Annex captures that spirit of cooperation.

We look forward to continuing to work with Congress to protect our vital transit infrastructure and all that depends upon it.

Thank you. I would be pleased to respond to questions.

The Honorable Bill Pascrell, Jr.
Question for the Record
Highways, Transit and Pipeline Subcommittee
Hearing on the Transit and Over-the-Road Bus Security
March 29, 2006, 2:00 pm, 2167 RHOB

Ms. Bushue –

As you know the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU or SAFETEA)(P.L. 109-59) was signed by the President on August 10, 2005. Section 3046(a)(1) calls for a public Transportation National Security Study.

As a member of both the Transportation and Homeland Security Committees, and representing Northern New Jersey, I believe that the ability of transit systems to accommodate the evacuation from critical locations in times of emergency is an important part of the role of transportation in national security project planning.

Public transportation was vital to moving people into and out from New York City on September 11, 2001. Now is the time to determine if the current system is enough. If it is not, we need to explore how we can better accomplish this security need.

SAFETEA –LU called for the Secretary of Transportation to enter into an agreement with the National Academy of Sciences to conduct this study within six months of the law's enactment. What is the status of this project? When is the study scheduled to be completed? Do you anticipate any impediments that would require congressional attention?

RESPONSE: Congressman Pascrell I am pleased to report that the agreement with the National Academy of Sciences was awarded by the Federal Transit Administration on April 20th. Consistent with the direction in SAFETEA-LU, the study is scheduled to be completed and delivered to Congress no later than 24 month after the date of award, which would be April 2008. I do not at this time anticipate any impediment that would require congressional action.

Congressman Russ Carnahan (D-MO)
House Transportation Committee
Subcommittee on Highways, Transit, and Pipelines
Hearing on Transit and Over-the-Road Bus Security
Opening Statement
March 29, 2006

- Mr. Chairman, I want to thank you for scheduling this hearing to discuss this important issue.

- Since the terrorist attacks of September 11, 2001, this country has taken significant steps to improve the safety of our transportation systems. However, transit systems remain vulnerable and are still the targets of terrorist attacks around the world.

- In the United States, our transit systems move more than 14 million people every day, which is more than the airlines and Amtrak combined. America is more security conscious than ever--now is the time to examine the need for an increased federal investment in transit security.

- I look forward to hearing the testimony of all the witnesses today.

- Thank you.

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE

"Transit and Over-the-Road Bus Security"

March 29, 2006
2:00 p.m.
2167 Rayburn House Office Building

Opening Statement of Congressman Elijah E. Cummings

Mr. Chairman:

I thank you for calling today's hearing to enable us to consider security on our nation's transit and over-the-road bus systems.

In July of last year, the Secretary of the Department of Homeland Security announced that our nation's public transit systems should expect to bear most of the costs of funding security improvements themselves. At that time, the Secretary dismissed the idea that a terror strike on a transit system could produce "catastrophic consequences" by saying "a bomb in a subway car may kill 30 people."

The reality is that public transit systems have become targets of choice for terror attacks around the world.

According to the RAND Corporation, there were 181 terrorist attacks on trains and related infrastructure throughout the world between 1998 and 2003. Last summer, suicide bombers attacked both the London subway and bus systems, killing 56 people and wounding 400. This attack dramatically illustrated the threats that confront public transit systems.

Under pressure, Secretary Chertoff backed away from his statement. However, the Bush Administration appears to have continued its policy of essentially leaving to public

transit systems much of the financial burden associated with enhancing security.

The Congressional Research Service reports that over the past four years, the federal government has provided less than $400 million in grants to transit systems. By way of comparison, that figure is less than 2% of the $20 billion the federal government has spent on aviation security since 9/11.

In fact, our total federal expenditures on transit security are less than half of the $837 million that the State Department reports has been allocated to support the redevelopment of transportation infrastructure in Iraq.

According to the Congressional Research Service, almost 7 times more people use public transportation on a daily basis than fly on airplanes. Nonetheless, the amount of federal funding provided to improve transit security equals approximately one cent per public transit passenger – compared with nearly $9 per airline passenger.

As a result of federal under-funding, the American Public Transportation Association reports that public transit agencies have spent more than $2 billion of their own funding on security improvements over the last 4 years – but transit agencies estimate that billions more in security enhancements are still needed.

Knowing the kind of attacks that are possible on transit systems, it is simply unacceptable that we are letting the urgent security needs of these systems go unmet. While transit systems by their nature are open and accessible to all and it will be impossible to prevent every type of attack, I am not convinced that we are doing all we can.

Mr. Chairman, it is past time that we extend to public transportation the kind of priority that has thus far been reserved for aviation security. This means that we must significantly increase funding for transit security. We must also improve the systems we use to guide funding to support the most effective security enhancements.

In the airline industry, the federal government simply took over all aspects of aircraft security, including passenger screening. Obviously, security on public transportation systems – which are operated by local authorities and policed by transit police and the police of local jurisdictions – must follow a model that emphasizes partnership between federal and local officials.

In such a relationship, it must be the responsibility of the federal government to assess national threats, set security standards and develop best practices, and help individual agencies implement tailored security strategies.

In September 2005, approximately four years after 9/11, the Department of Homeland Security finally submitted

to Congress its "National Strategy for Transportation Security."

I look forward to hearing from today's witnesses how this strategy and related assessments and mode-specific plans will guide the continued development of transit security systems that meet the specific risks and vulnerabilities these systems face. I also look forward to hearing from the FTA and DHS the level of funding that will be required to fully implement these plans.

Thank you and I yield back.

United States Government Accountability Office

GAO

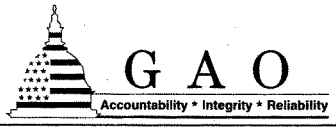
Testimony before the Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, House of Representatives

For Release on Delivery
Expected at 2:00 p.m. EST
Wednesday, March 29, 2006

PASSENGER RAIL SECURITY

Evaluating Foreign Security Practices and Risk Can Help Guide Security Efforts

Statement of JayEtta Z. Hecker, Director
Physical Infrastructure Issues



GAO-06-557T

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Highlights

Highlights of GAO-06-557T, a testimony before the Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, House of Representatives

Why GAO Did This Study

The July 2005 bombing attacks on London's subway system dramatically revealed the vulnerability of passenger rail systems worldwide to terrorist attacks and demonstrated the need for an increased focus on security for these systems.

This testimony, which is based primarily on GAO's September 2005 report on passenger rail security (GAO-05-851), provides information on (1) the security practices that domestic and selected foreign rail transit operators have implemented to mitigate risks and enhance security; (2) the Department of Homeland Security's (DHS) and the Department of Transportation's (DOT) funding of rail transit security and use of risk management in funding decisions; and (3) the steps DHS and DOT have taken to improve coordination on rail transit security matters. As part of its 2005 report, GAO contacted 32 U.S. rail transit operators and 13 passenger rail operators in seven European and Asian countries.

What GAO Recommends

GAO's September 2005 report on passenger rail security recommended, among other things, that the Secretary of Homeland Security, in collaboration with DOT, determine the feasibility of implementing certain rail security practices used in foreign countries. DHS and DOT generally agreed with the report's recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-06-557T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact JayEtta Z. Hecker at (202) 512-2834 or Cathleen A. Berrick (202) 512-3404.

PASSENGER RAIL SECURITY

Evaluating Foreign Security Practices and Risk Can Help Guide Security Efforts

What GAO Found

Domestic and foreign rail transit operators GAO contacted have taken similar actions to help secure their systems, including implementing customer awareness programs, increasing the number and visibility of their security personnel, and upgrading security technology. Also, both domestic and foreign operators have used risk assessments to guide security-related activities and spending. However, GAO also observed security practices that were used by certain foreign passenger rail operators, but were not employed in the United States at the time of GAO's review. For example, some foreign rail operators use covert testing to help keep employees alert to security threats or randomly screen passengers. Centralized clearinghouses on rail security technologies, such as chemical sensors, and best practices are also maintained in some foreign countries. While introducing any of these security practices into the U.S. rail system may pose political, legal, fiscal, and cultural challenges, the practices may nevertheless warrant further examination.

Both DHS and DOT help fund rail transit security investments, and DHS has promoted risk-based funding decisions in the allocation of transit security grants. DHS's Office of Grants and Training is the primary source of security funding for passenger rail systems, providing over $320 million in grants to rail transit agencies for fiscal years 2003 to 2006. The Office of Grants and Training has leveraged its grant-making authority to promote risk-based funding decisions for passenger rail by requiring, for example, that operators complete a risk assessment to be eligible for a transit security grant. As we have noted in previous reports, using assessments of risk to target resources to the highest priority is especially critical given the competition for resources within the rail transit sector, and between the rail transit sector and the other modes of transportation. DOT's Federal Transit Administration (FTA) also helps fund rail transit security efforts by providing financial assistance to transit agencies and requiring that they spend 1 percent of their urbanized area formula funds on security improvements.

To improve coordination on transportation security matters, including rail transit security, DHS and DOT signed a memorandum of understanding (MOU) in September 2004. DHS and DOT also signed a transit security annex to the MOU in September 2005 that delineates specific security-related roles, responsibilities, resources, and commitments for transit issues. In GAO's view, these actions are positive steps forward in addressing the coordination problems GAO previously identified. For instance, federal and rail industry officials raised questions about the feasibility of implementing and complying with TSA's May 2004 security directives, citing limited opportunities to collaborate with TSA to ensure that industry best practices were incorporated. Effective coordination between DHS and DOT will continue to be important as both departments move forward with existing programs and new security initiatives.

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to participate in today's hearing on rail transit security. The London rail bombings that took place in July 2005—resulting in over 50 fatalities and more than 700 injuries—made clear that even when a variety of security precautions are in place, rail transit systems that move high volumes of passengers each day remain vulnerable to terrorist attack. While securing the U.S. rail transit system is a daunting task—a shared responsibility requiring coordinated action on the part of federal, state, and local governments and the private sector—it is important nonetheless to take the necessary steps to identify and mitigate risks to rail transit systems.

As we have reported previously, the sheer number of stakeholders involved in securing these systems can lead to communication challenges, duplication of effort, and confusion about roles and responsibilities. Key federal stakeholders with critical roles to play within the rail sector include the Transportation Security Administration (TSA), which is responsible for transportation security overall, and the Office of Grants and Training,[1] which provides grant funds to rail operators and conducts risk assessments for passenger rail agencies, both within the Department of Homeland Security (DHS); and the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA), both within the Department of Transportation (DOT). One of the critical challenges facing these federal agencies, and the rail system operators they oversee or support, is finding ways to protect rail systems from potential terrorist attacks without compromising the accessibility and efficiency of rail transit.

At the federal level, another significant challenge to securing rail systems involves the allocation of resources. Rail transit systems represent one of many modes of transportation—along with aviation, maritime, and others—competing for limited federal security resources. Within the rail transit sector itself, there is competition for resources, as federal, state, and local agencies and rail operators seek to identify and invest in appropriate security measures to safeguard these systems while also investing in other capital and operational improvements. Moreover, given competing priorities and limited homeland security resources, difficult policy decisions have to be made by Congress and the executive branch to

[1]DHS's Office of Grants and Training was formerly called the Office of Domestic Preparedness.

prioritize security efforts and direct resources to the areas of greatest risk within the rail transit system, among all transportation modes, and across other nationally critical sectors.

To help federal decision makers determine how to best allocate limited resources, we have advocated, the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) has recommended, and the subsequent Intelligence Reform and Terrorism Prevention Act of 2004 requires, that a risk management approach be employed to guide security decision making.[2] A risk management approach entails a continuous process of managing risks through a series of actions, including setting strategic goals and objectives, assessing and quantifying risks, evaluating alternative security measures, selecting which measures to undertake, and implementing and monitoring those measures. In July 2005, in announcing his proposal for the reorganization of DHS, the Secretary of Homeland Security declared that as a core principle of the reorganization, the department must base its work on priorities driven by risk.

My testimony will cover three areas: (1) the security practices that domestic and selected foreign rail transit operators have implemented to mitigate risks and enhance security, and any differences in these practices; (2) DHS's and DOT's funding of rail transit security and use of risk management in funding decisions; and (3) the steps DHS and DOT have taken to improve coordination on rail transit security matters. My comments today are based on our body of work on passenger rail security issues, including our September 2005 report to the Chairman of the House Transportation and Infrastructure's Subcommittee on Railroads, Senators Snowe and Boxer, and Representative Castle.[3] For this report, we

[2]Pub. L. No. 108-458, 118 Stat. 3638. For more information on risk management, see GAO, *Transportation Security: Systematic Planning Needed to Optimize Resources*, GAO-05-357T (Washington, D.C.: Feb. 15, 2005); *Homeland Security: A Risk Management Approach Can Guide Preparedness Efforts*, GAO-02-208T (Washington, D.C.: Oct. 31, 2001); and *Combating Terrorism: Threat and Risk Assessments Can Help Prioritize and Target Program Investments*, GAO/NSIAD-98-74 (Washington, D.C.: Apr. 9, 1998).

[3]GAO, *Passenger Rail Security: Enhanced Federal Leadership Needed to Prioritize and Guide Security Efforts*, GAO-05-851 (Washington, D.C.: Sept. 9, 2005); GAO, *Rail Security: Some Actions Taken to Enhance Passenger and Freight Rail Security, but Significant Challenges Remain*, GAO-04-598T (Washington, D.C.: Mar. 24, 2004); GAO, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-843 (Washington, D.C.: June 30, 2003); and GAO, *Mass Transit: Federal Actions Could Help*

contacted 32 U.S. rail transit operators and 13 passenger rail operators in seven European and Asian countries. These domestic and foreign rail agencies and the areas they serve are listed in appendix I. All of the reports on which this statement is based were prepared in accordance with generally accepted government auditing standards.

In summary:

- Domestic and foreign rail transit operators we contacted have taken similar actions to help secure their systems, such as implementing customer awareness programs, upgrading security technology, and tightening access controls. Also, both domestic and foreign operators have used risk assessments to guide security-related activities and funding. However, we also observed rail security practices in foreign countries that were not in use domestically at the time of our review. For example, some foreign rail operators use covert testing to help keep employees alert to security threats or randomly screen passengers. In addition, centralized clearinghouses on rail security technologies, such as chemical sensors, and best practices are maintained in some foreign countries. While introducing any of these security practices into the U.S. rail system may pose political, legal, fiscal, and cultural challenges, the practices may nevertheless warrant further examination. In our September 2005 report on passenger rail security, we recommended, among other things, that the Secretary of Homeland Security, in collaboration with DOT and the passenger rail industry, determine the feasibility, in a risk management context, of implementing certain rail security practices used in foreign countries, including covert testing and random screening, an information clearinghouse for security technologies and best practices, and practices that integrate security into infrastructure design.[4] DHS and DOT generally agreed with the report's recommendations.

- Both DHS and DOT help fund rail transit security investments, and DHS has promoted risk-based funding decisions in the allocation of transit security grants. DHS's Office of Grants and Training is the primary source of security funding for passenger rail systems. From fiscal year 2003 through fiscal year 2006, the Office of Grants and Training provided over $320 million in grants to rail transit agencies

Transit Agencies Address Security Challenges, GAO-03-263 (Washington, D.C.: Dec. 13, 2002).

[4]GAO-05-851.

through the Urban Area Security Initiative (UASI) and the Transit Security Grant Programs. The Office of Grants and Training has leveraged its grant-making authority to promote risk-based funding decisions for passenger rail by requiring, for example, that operators complete a risk assessment to be eligible for a transit security grant. Using assessments of risk to target resources to the highest priority is especially critical given the competition for resources within the rail transit sector, and between the rail transit sector and the other modes of transportation. Moreover, as the 2005 London rail bombings dramatically illustrated, even when a variety of security precautions are put in place, passenger rail systems remain vulnerable and attractive targets given their open designs and the high volumes of passengers they transport each day. Thus, it is important that limited resources are targeted to security activities that have the greatest impact on reducing overall risk. DOT's FTA also helps fund rail transit security efforts through the financial assistance it provides to transit agencies. In addition, FTA requires that a certain percentage of federal funds be devoted to security activities. Specifically, transit agencies are required to spend 1 percent of their urbanized area formula funds on security improvements.[5]

- To improve coordination on transportation security matters, including rail transit security, DHS and DOT signed a memorandum of understanding (MOU) in September 2004. The MOU defines broad areas of responsibility for each department. The two departments also signed a transit security annex to the MOU in September 2005 that delineates the specific security-related roles, responsibilities, resources, and commitments for transit issues. We believe these actions are positive steps forward in addressing the coordination problems we have previously identified. For instance, in 2004, TSA issued emergency security directives to domestic rail operators after terrorist attacks on the rail system in Madrid. However, federal and rail industry officials raised questions about the feasibility of implementing and complying with these directives, citing limited opportunities to collaborate with TSA to ensure that industry best practices were incorporated. Effective coordination between DHS and DOT will continue to be important as both departments move forward with existing programs and new security initiatives. For example, to avoid

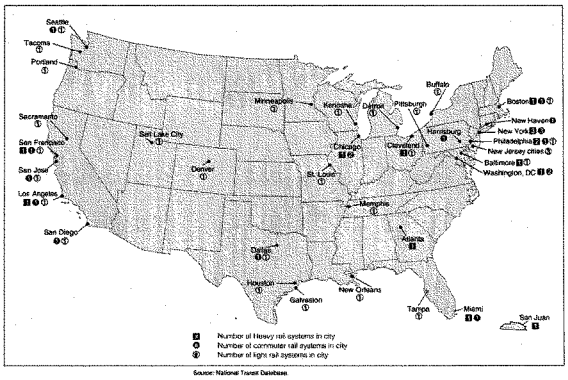
[5]FTA's urbanized area formula grant program provides federal funds to urbanized areas (jurisdictions with populations of 50,000 or more) for transit capital investments, operating expenses, and transportation-related planning.

duplication and confusion, it will be important that TSA coordinate the oversight activities of its rail inspectors with those of the state auditors from FTA's State Safety Oversight program and FRA's rail safety inspectors.

Background

Each weekday, 11.3 million passengers in 35 metropolitan areas and 22 states use some form of rail transit—that is, heavy, commuter, and light rail. Heavy rail systems—subway systems like New York City's transit system and Washington, D.C.'s Metro—typically operate on fixed rail lines within a metropolitan area and have the capacity for a heavy volume of traffic. Commuter rail systems generally operate on railroad tracks and provide regional service (e.g., between a central city and adjacent suburbs)—and are traditionally associated with older industrial cities, such as Boston, New York, and Chicago. Light rail systems are typically characterized by lightweight passenger rail cars that operate on track that is not separated from vehicular traffic for much of the way. Figure 1 identifies the geographic location of rail transit systems within the United States.

Figure 1: Geographic Distribution of Rail Transit Systems



Source: National Transit Database

According to rail transit officials and experts, certain characteristics of rail transit systems make them inherently vulnerable to terrorist attacks and therefore difficult to secure. By design, rail transit systems are open (i.e., have multiple access points, hubs serving multiple carriers, and, in some cases, no barriers) so that they can move large numbers of people quickly. In contrast, the U.S. commercial aviation system is housed in closed and controlled locations with few entry points. The openness of rail transit systems can leave them vulnerable because operator personnel cannot completely monitor or control who enters or leaves the systems. Other characteristics of some rail transit systems—high ridership, expensive infrastructure, economic importance, and location (e.g., large metropolitan areas or tourist destinations)—also make them attractive targets for terrorists because of the potential for mass casualties and economic damage and disruption. Moreover, some of these same characteristics make rail transit systems difficult to secure. For example, the numbers of riders that pass through a subway system—especially during peak hours—may make the sustained use of some security measures, such as metal detectors, difficult because their use could result in long lines that could disrupt scheduled service. In addition, multiple access points along extended routes could make the cost of securing each location prohibitive. Balancing the potential economic effects of security enhancements with the benefits of such measures is a difficult challenge.

Securing the nation's rail transit systems is a shared responsibility requiring coordinated action on the part of federal, state, and local governments; the private sector; and the passengers who ride these rail systems. Since the September 11 attacks, the role of federal government agencies in securing the nation's transportation systems, including rail transit, have continued to evolve. Before September 11, DOT—namely, FTA—was the primary federal entity involved in rail transit security matters. In response to the attacks of September 11, Congress passed the Aviation and Transportation Security Act (ATSA), which created TSA within DOT and defined its primary responsibility as ensuring security in all modes of transportation.[6] The act also gave TSA regulatory authority for security over all transportation modes. ATSA does not specify TSA's roles and responsibilities in securing the maritime and land transportation modes at the level of detail it does for aviation security. Instead, the act broadly identifies TSA as responsible for ensuring the security of all modes of transportation. With the passage of the Homeland Security Act of 2002, TSA was transferred, along with over 20 other agencies, to DHS.[7] While TSA is the lead federal agency for ensuring the security of all transportation modes, FTA conducts nonregulatory safety and security activities, including safety- and security-related training, research, technical assistance, and demonstration projects. In addition, FTA promotes safety and security through its grant-making authority.

[6]Pub. L. No. 107-71, 115 Stat. 597 (2001).

[7]Pub. L. No. 107-296, 116 Stat. 2135 (2002).

U.S. and Foreign Rail Transit Operators Have Taken Similar Actions to Secure Rail Systems, and Opportunities for Additional Domestic Security Actions May Exist

U.S. rail transit operators have taken numerous actions to secure their rail systems since the terrorist attacks of September 11, 2001, in the United States and the March 11, 2004, attacks in Madrid. These actions included both improvements to system operations and capital enhancements to system facilities, such as track, buildings, and train cars. All of the U.S. rail transit operators we contacted have implemented some security measures—such as customer awareness programs and more, and more visible, security personnel—that were generally consistent with those we observed in Europe and Asia. We also identified three rail security practices—covert testing, random screening of passengers and their baggage, and maintaining a centralized clearinghouse on rail security technologies—used in foreign countries but not, at the time or our review, domestically.[8]

U.S. and Foreign Rail Operators Employ Similar Security Practices

Both U.S. and foreign rail transit operators we contacted have implemented similar improvements to enhance the security of their systems. To guide security actions and spending, domestic and foreign operators—even the privatized foreign systems—consider risk assessments, budget constraints, and other factors. For example, one foreign rail operator with a daily ridership of 2.3 million passengers used a risk management methodology to assess risks, threats, and vulnerabilities to rail in order to guide security spending. According to the operator, the methodology employs a "risk informed" approach to support management's business decision process regarding security. A summary of domestic and foreign security practices follows.

Customer awareness: Customer awareness programs we observed used signs and announcements to encourage riders to alert train staff if they observed suspicious packages, persons, or behavior. Of the 32 domestic rail operators we interviewed, 30 had implemented a customer awareness program or made enhancements to an existing program. Foreign rail operators we visited also attempt to enhance customer awareness. For example, 11 of the 13 operators we interviewed had implemented a customer awareness program. Similar to programs of U.S. operators, these programs used signs, announcements, and brochures to inform passengers

[8]At the time we completed our work in June 2005, these three practices were not utilized. However, as discussed later in this testimony, some rail operators began using random screening in the aftermath of the July bomb attacks on the London subway system and others may have begun utilizing this or other security practices since our report.

and employees about the need to remain vigilant and report any suspicious activities.

More, and more visible security personnel: Of the 32 U.S. rail operators we interviewed, 23 had increased the number of security personnel they used since September 11, to provide security throughout their system or had taken steps to increase the visibility of their security personnel. For example, several U.S. and foreign rail operators we spoke with had instituted policies such as requiring their security staff to wear brightly colored vests and patrol trains or stations more frequently, so they are more visible to customers and potential terrorists or criminals. These policies make it easier for customers to contact security personnel in the event of an emergency, or if they have spotted a suspicious item or person. At foreign sites we visited, 10 of the 13 operators had increased the number of their security officers throughout their systems in recent years because of the perceived increase in the risk of a terrorist attack.

Increased use of canine teams: Of the 32 U.S. rail transit operators we contacted, 21 had begun to use canine units, which include both dogs and human handlers, to patrol their facilities or trains or had increased their use of such teams. In foreign countries we visited, rail transit operators' use of canine units varied. In some Asian countries, dogs were not culturally accepted by the public and thus were not used for rail security purposes. Most European rail transit operators used canine units for explosives detection or as deterrents.

Employee training: All of the domestic and foreign rail operators we interviewed had provided some type of security training to their staff, either through in-house personnel or an external provider. In many cases, this training consisted of ways to identify suspicious items and persons and to respond to events once they occur. For example, the London Underground and the British Transport Police developed the "HOT" method for Underground employees to identify suspicious items in the rail system. In the HOT method, employees are trained to look for packages or items that are Hidden, Obviously suspicious, and not Typical of the environment. If items meet all of these criteria, employees are to notify station managers, who are to call in the authorities and potentially shut down the station or take other action. According to London Underground officials, the HOT method has significantly reduced the number of system disruptions caused when a suspicious item was identified. Several rail transit operators in the United States and abroad have trained their employees in the HOT method. It is important to note that such training is

not designed to prevent acts of terrorism like the July 2005 London attacks, in which suicide bombers killed themselves rather than leaving bombs behind.

Passenger and baggage screening practices: Some domestic and foreign rail operators have trained employees to recognize suspicious behavior as a means of screening passengers. Eight U.S. rail transit operators we contacted were using some form of behavioral screening. For example, the Massachusetts Bay Transportation Authority (MBTA), which operates Boston's T system, has adopted a behavioral screening system to identify passengers exhibiting suspicious behavior. The Massachusetts State Police train all MBTA personnel to be on the lookout for behavior that may indicate someone has criminal intent, and to approach and search such persons and their baggage when appropriate. Abroad, we found that 4 of the 13 operators we interviewed had implemented forms of behavioral screening similar to MBTA's system. All of the domestic and foreign rail operators we contacted have ruled out an airport-style screening system for daily use in heavy traffic. According to the operators, such a system, in which each passenger and the passenger's baggage are screened by a magnetometer or X-ray machine, raised concerns about cost, staffing, and customer convenience, among other factors.

Upgrading technology: Many rail operators we interviewed had embarked on programs designed to upgrade their existing security technology. For example, we found that 29 of the 32 U.S. operators had implemented a form of closed-circuit television (CCTV) to monitor their stations, yards, or trains. While these cameras cannot be monitored closely at all times, because of the large number of staff the operators said would be required, many rail operators told us the cameras act as a deterrent, assist security personnel in determining how to respond to incidents that have already occurred, and can be monitored if an operator has received information that an incident may occur at a certain time or place in a system. One rail operator, New Jersey Transit, had installed "smart" cameras, which were programmed to alert security personnel when suspicious activity occurred, such as if a passenger left a bag in a certain location or a boat docked under a bridge. According to the New Jersey Transit officials, this technology was relatively inexpensive and not difficult to implement. Several other operators said they were interested in exploring this technology. Abroad, all 13 of the foreign rail operators we visited had CCTV systems in place. As in the United States, foreign rail operators use these cameras primarily to deter crime and to respond to

incidents after they occur, because they do not have enough staff to monitor all the cameras continuously.

Most rail operators we spoke with had not installed equipment for detecting chemical or biological agents because of the costs involved, but a few operators had this equipment or were exploring its purchase. For example, the Washington Metropolitan Area Transit Authority (WMATA), in Washington, D.C., has installed these sensors in some of its stations, thanks to a program jointly sponsored by DOT and the Department of Energy that provided this equipment to WMATA because of the high perceived likelihood of an attack in Washington, D.C. Also, at the time of our review, at least three other domestic rail operators we spoke with were exploring the possibility of partnering with federal agencies to install such equipment in their facilities on an experimental basis. Also, as in the United States, a few foreign operators had implemented chemical or biological detection devices at rail stations, but their use was not widespread. Two of the 13 foreign operators we interviewed had implemented these sensors, and both were doing so on an experimental basis. In addition, police officers from the British Transport Police—responsible for policing the rail system in the United Kingdom—were equipped with pagers to detect chemical, biological, or radiological elements in the air, allowing them to respond quickly in case of a terrorist attack using one of these methods. The British Transit Police also have three vehicles carrying devices to determine if unattended baggage contains explosives. These vehicles patrol the system 24 hours per day.

Access control: Tightening access procedures at key facilities or rights-of-way is another way many rail operators have attempted to enhance security. A majority of domestic and selected foreign passenger rail operators had invested in enhanced systems to control unauthorized access at employee facilities and stations. Specifically, 23 of the 32 U.S. operators had installed a form of access control at key facilities and stations. This often involved installing a system requiring employees to swipe an access card to gain access to control rooms, repair facilities, and other key locations. All 13 foreign operators had implemented some system to control access to their critical facilities or rights-of-way.

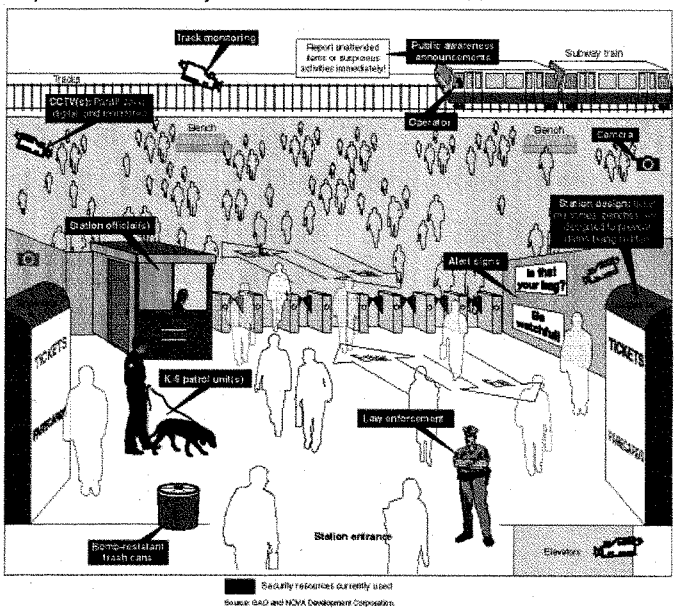
Rail system design and configuration: In an effort to reduce vulnerabilities to terrorist attack and increase overall security, rail transit operators in the United States and abroad have been, or are now beginning to, incorporate security features into the design of new and existing rail infrastructure, primarily rail stations. For example, of the 32 domestic rail

operators we contacted, 22 had removed their conventional trash bins entirely, or replaced them with transparent or bomb-resistant trash bins, as TSA directed in May 2004. Foreign rail operators had taken steps to remove traditional trash bins from their systems. Of the 13 operators we visited, 8 had either removed their trash bins entirely or replaced them with blast-resistant cans or transparent receptacles.

Many foreign rail operators are also incorporating aspects of security into the design of their rail infrastructure. Of the 13 operators we visited, 11 have attempted to design new facilities with security in mind and have attempted to retrofit older facilities to incorporate security-related modifications. For example, one foreign operator we visited is retrofitting its train cars with windows that passengers can open in the event of a chemical attack. In addition, the London Underground, one of the oldest rail systems in the world, incorporates security into the design of all its new stations as well as of modifications to existing stations. We observed several security features in the design of Underground stations, such as the use of vending machines that have no holes that someone could use to hide a bomb, and sloped tops to reduce the likelihood that a bomb can be placed on top of the machine. In addition, stations are designed to provide staff with clear lines of sight to all areas of the station, such as underneath benches or ticket machines, and station designers try to eliminate or restrict access to any recessed areas where a bomb could be hidden.

In the United States, several rail transit operators said they were taking security into account when designing new facilities or remodeling older ones. Twenty-two of 32 rail operators we interviewed told us that they were incorporating security into the design of new or existing rail infrastructure. For example, New York City Transit and Port Authority Trans-Hudson (PATH) officials told us they are incorporating security into the design of its new stations, including the redesigned Fulton Street station and the World Trade Center Hub that were damaged or destroyed during the September 11 attacks. In addition, in June 2005, FTA issued guidelines for use by the transit industry encouraging the incorporation of particular security features into the design of transit infrastructure. These guidelines include, for example, increasing visibility for onboard staff, reducing the areas where someone could hide an explosive device on a transit vehicle, and enhancing emergency exits in transit stations. Figure 2 illustrates several security measures that we observed in rail transit stations both in the United States and abroad. It should be noted that this figure represents an amalgam of stations we visited, not any particular station.

Figure 2: Composite of Selected Security Practices in the Rail Transit Environment



Three Foreign Rail Security Practices Are Not Currently Used in the United States

While many of the security practices we observed in foreign rail systems are similar to those U.S. rail transit operators are implementing, we encountered three practices in other countries that were not currently in use among the domestic rail transit operators we contacted as of June 2005, nor were they performed by the U.S. government. These practices are discussed below.

Covert testing: Two of the 13 foreign rail systems we visited use covert testing to keep employees alert about their security responsibilities. Covert testing involves security staff staging unannounced events to test the response of railroad staff to incidents such as suspicious packages or alarms. In one European system, security staff place suspicious items throughout their system to see how long it takes operating staff to respond to the items. Similarly, one Asian rail operator's security staff break security seals on fire extinguishers and open alarmed emergency doors randomly to see how long it takes staff to respond. Officials of these operators stated that these tests are carried out daily and are beneficial because the staff know they could be tested at any moment and are therefore more likely to be vigilant about security.

Random screening: Of the 13 foreign operators we interviewed, 2 conducts some form of random screening of passengers and their baggage. In the systems where this practice is used, security personnel can approach passengers either in stations or on the trains and ask them to submit their persons or their baggage to a search. Passengers declining to cooperate must leave the system. For example, in Singapore, rail agency officials rotate the stations where they conduct random searches so that the searches are carried out at a different station each day. Before the July 2005 London bombings, no rail transit operators in the United States were randomly screening passengers or baggage every day. However, during the Democratic National Convention in 2004, MBTA began randomly screening every 11th passenger at certain stations and times of the day, asking the passenger to provide his or her bags to be screened. Those who refused were not allowed to ride the system. MBTA officials recognized that it is impossible to implement such a system comprehensively throughout the rail network without major staffing increases, and that even doing random screening regularly would be a drain on resources. However, officials stated that such a system is workable during special

events and times of heightened security but would have to be designed very carefully to ensure that passengers' civil liberties were not violated. After the July 2005 London bombings, four rail transit operators—PATH, New York Metropolitan Transportation Authority, New Jersey Transit, and Utah Transit Authority in Salt Lake City—implemented limited forms of random baggage screening in their system.

National government maintains clearinghouse on technologies and best practices: According to passenger rail operators in five countries we visited, their national governments have centralized the process for performing research and developing passenger rail security technologies and maintaining a clearinghouse on these technologies and security best practices. According to these officials, this practice allows rail operators to have one central source for information on the merits of a particular passenger rail security technology, such as chemical sensors, CCTVs, and intrusion detection devices. No federal agency has compiled or disseminated best practices to rail operators to aid in this process. Some U.S. rail operators we interviewed expressed interest in there being a more active centralized federal research and development authority in the United States to evaluate and certify passenger rail security technologies and make that information available to rail operators. We have also previously reported that stakeholders have stated that the federal government should play a greater role in testing transportation security technology and making this information available to industry stakeholders.[9] Currently, many operators said they informally ask other rail operators about their experiences with a certain technology, perform their own research via the Internet or trade publications, or perform their own testing. TSA and DOT agree that making the results of research testing available to industry stakeholders could be a valuable use of federal resources because it would reduce the need for multiple rail operators to perform the same research and development efforts, but they have not taken steps to implement this practice.[10]

Implementing these three practices—covert testing, random screening, and a government-sponsored clearinghouse for technologies and best practices—in the United States could pose political, legal, fiscal, and cultural challenges because of the differences between the United States

[9]GAO-03-843.

[10]GAO-03-843.

and these foreign nations. For instance, many foreign nations have dealt with terrorist attacks on their public transportation systems for decades, compared with the United States, where rail transportation has not been specifically targeted during terrorist attacks. According to foreign rail operators, these experiences have resulted in greater acceptance of certain security practices, such as random searches, which the U.S. public may view as a violation of their civil liberties or which may discourage the use of public transportation. The impact of security measures on passengers is an important consideration for domestic rail transit operators, since most passengers could choose another means of transportation, such as a personal automobile. As such, security measures that limit accessibility, cause delays, increase fares, or otherwise cause inconvenience could push people away from transit and into their cars. In contrast, the citizens of the European and Asian countries we visited are more dependent on public transportation than most U.S. residents and therefore, according to the rail operators we spoke with, may be more willing to accept more intrusive security measures, simply because they have no other choice for getting from place to place. Nevertheless, in order to identify innovative security measures that could help further mitigate terrorism-related risk to rail assets it is important to at least consider assessing the feasibility and costs and benefits of implementing in the United States the three rail security practices we identified in foreign countries. Officials from DHS, DOT, passenger rail industry associations, and rail systems we interviewed told us that operators would benefit from such an evaluation. Furthermore, the passenger rail association officials told us that such an evaluation should include practices used by foreign rail operators that integrate security into infrastructure design.

Differences in the business models and financial status of some foreign rail operators could also affect the feasibility of adopting certain security practices in the United States. Several foreign countries we visited have privatized their passenger rail operations. Although most of the foreign rail operators we visited—even the privatized systems—rely on their governments for some type of financial assistance, two foreign rail operators generated significant revenue and profits in other business endeavors, which they said allowed them to invest heavily in security measures for their rail systems.

Another important difference between domestic and foreign rail operators is the structure of their police forces. In particular, England, France, Belgium, and Spain all have national police forces patrolling rail systems in these countries. The use of a national police force is a reflection that

these foreign countries often have one nationalized rail system, rather than over 30 rail transit systems owned and operated by numerous state and local governments, as is the case in the United States. For example, in France, the French National Railway operates all intercity passenger rail services in the country, and the French Railway police provide security. According to foreign rail operators, the use of one national rail police force allows for consistent policing and security measures throughout the country. In the United States, by contrast, some transit agencies maintain individual polices forces, while others rely on their city or county police forces for security.

DHS and DOT Help Fund Security Efforts, and Some Funding Decisions Are Risk-Based

Both DHS and DOT help fund rail transit security investments, and DHS has promoted risk-based funding decisions in the allocation of transit security grants. DHS's Office of Grants and Training administers the UASI and Transit Security grant programs. These programs have provided over $320 million in grants to rail transit agencies for certain security activities since fiscal year 2003. The Office of Grants and Training has leveraged its grant-making authority to promote risk-based funding decisions for passenger rail by requiring, for example, that operators complete a risk assessment to be eligible for a transit security grant. FTA also helps fund rail transit security efforts through the financial assistance it provides to transit agencies, with the stipulation that a certain percentage of federal funds be used for security activities.

DHS and DOT Help Fund Rail Transit Security Efforts

With the creation of DHS in 2002, one of its components, the Office of Grants and Training, became the primary federal source for security funding for passenger rail systems. The Office of Grants and Training is the principal component of DHS responsible for preparing the United States for acts of terrorism and has primary responsibility within the executive branch for assisting and supporting DHS, in coordination with other directorates and entities outside the department, in conducting risk analysis and risk management activities for state and local governments. In carrying out its mission, the Office of Grants and Training provides training, funds for the purchase of equipment, support for the planning and execution of exercises, technical assistance, and other support to assist states, local jurisdictions, and the private sector to prevent, prepare for, and respond to acts of terrorism. Through the UASI grant program, the Office of Grants and Training has provided grants to urban areas to help enhance their overall security and preparedness level to prevent, respond to, and recover from acts of terrorism. In 2003 and 2004, $65 million and $50 million, respectively, were allocated to rail transit agencies through

the UASI program. In addition, the DHS Appropriations Act of 2005 appropriated $150 million for rail transit, intercity passenger rail, freight rail, and transit agency security grants.[11] This funding has allowed the Office of Grants and Training to build upon the work under way through the UASI program and create and administer new programs focused specifically on transportation security, including the Transit Security Grant Program. This program provides financial assistance to address security preparedness and enhancements for transit (to include commuter, heavy, and light rail systems; intracity buses, and ferries). Table 1 summarizes the funding provided to rail transit providers through the UASI and Transit Security Grant Program from 2003 through 2006.

Table 1: Security Grants Provided by the Office of Grants and Training to Rail Transit Providers, 2003 through 2006

Fiscal year	Funding levels
2003	$65,000,000
2004	$50,000,000
2005	$108,000,000
2006	$110,000,000
Total	**$323,000,000**

Source: DHS Office of Grants and Training.

Although FTA now plays a supporting role in rail transit security matters since the creation of TSA, it remains an important partner in funding security efforts. FTA provides financial assistance to rail transit agencies to plan and develop new systems and operate, maintain, and improve existing systems. Rail transit agencies can use some of this funding for security activities, although the agencies have to balance investments in security against other competing priorities. In addition, FTA promotes safety and security through its grant-making authority. FTA stipulates conditions of grants, such as certain safety and security statutory and regulatory requirements, and FTA may withhold funds for noncompliance with the conditions of a grant. For example, transit agencies must spend 1

[11]Pub. L. No. 108-334, 118 Stat. 1298 (2004).

percent of their urbanized area formula funds—which is FTA's largest grant program—on security improvements.[12]

Using Risk Management Approach Can Help Direct Federal Funds to Highest Rail Transit Security Priorities

In recent years, we, along with Congress, the executive branch, and the 9/11 Commission have required or advocated that federal agencies with homeland security responsibilities use a risk management approach to help ensure that finite national resources are dedicated to assets or activities considered to have the highest security priority. A risk management approach entails a continuous process of managing risk through a series of actions, including setting strategic goals and objectives, performing risk assessments, evaluating alternative actions to reduce identified risks by preventing or mitigating their impact, selecting actions to undertake by management, and implementing and monitoring those actions. We have concluded that without a risk management approach, there is limited assurance that programs designed to combat terrorism are properly prioritized and focused. Targeting resources to the highest priority is especially critical given the competition for resources within the rail transit sector, and between the rail transit sector and the other modes of transportation. Moreover, as the 2005 London rail bombings dramatically illustrated, even when a variety of security precautions are put in place, passenger rail systems remain vulnerable and attractive targets given their open designs and the high volumes of passengers they transport each day. Thus, it is important that limited resources are targeted to security activities that have the greatest impact on reducing overall risk.

DHS' Office of Grants and Training has leveraged its grant-making authority to promote risk-based funding decisions for passenger rail. For example, passenger rail operators must have completed a risk assessment to be eligible for financial assistance through the fiscal year 2005 Transit Security Grant program administered by the Office of Grants and Training. To receive these funds, rail transit operators are also required to have a security and emergency preparedness plan that identifies how the operator intends to respond to security gaps identified by risk

[12]FTA is to verify that agencies comply with the requirement to spend 1 percent of their urbanized area formula funds on security improvements and may withhold funding from agencies that it finds are not in compliance. Agencies are not required to comply with this spending rule if a valid justification can be documented, such as state and local funds for security are inadequate or security trend data do not warrant security spending.

assessments. This plan, along with a regional transit security strategy prepared by regional transit stakeholders, will serve as the basis for determining how the grant funds are to be allocated.

Coordination between Federal Agencies Has Faced Challenges and Will Continue to Be Important

Prior to the creation of DHS, DOT modal agencies, such as FTA and FRA, were the primary federal agencies involved in rail transit security matters. Since Congress passed ATSA in 2001, creating TSA and giving it regulatory authority over the security of all modes of transportation, federal agencies have had some difficulty coordinating their activities and communicating to industry stakeholders about their role and responsibilities. In response to a GAO recommendation, DOT and DHS entered into an MOU to better coordinate their activities and have embarked on a number of initiatives to improve their coordination with each other and with industry stakeholders. Coordination between DHS and DOT will continue to be important as both departments move forward with existing programs and new security initiatives, such as TSA's deployment of its rail inspectors.

DHS and DOT Have Worked to Improve Coordination on Transit Security Matters

Although DOT modal administrations have played supporting roles in transportation security matters since the creation of TSA, they remain important partners in the federal government's efforts to improve rail security, given DOT's role in funding and overseeing the safety of rail transit systems. For example, as previously mentioned, FTA provides financial assistance to rail transit agencies, and some of this funding can, and in some cases must, be used for security activities. In addition, FTA has regulatory authority for state safety oversight of rail fixed-guideway systems and for a drug and alcohol program, and FRA has regulatory authority for rail safety over commuter rail operators. As we have previously reported, it could be difficult to distinguish DOT's role in maintaining and improving transportation safety from DHS's role in securing the transportation system because security is often intertwined with safety.[13] Moreover, FTA and FRA are continuing their rail transit security efforts as TSA moves ahead with its rail transit security initiatives.[14]

[13]GAO-03-843.

[14]For information about TSA's, FTA's, and FRA's rail transit security initiatives, see GAO-05-851.

We have previously reported that coordination between DHS and DOT, as well as between DHS and rail transit stakeholders, could be improved. For example, in our September 2005 report on rail security, we noted that TSA provided limited opportunities for other federal agencies and the rail industry to collaborate in the development of its passenger rail security directives, which were issued in May 2004 to provide a consistent baseline standard of protective measures for all passenger rail operators.[15] Federal and rail industry officials have raised questions about the feasibility of implementing and complying with the directives, noting, among other things, that the directives do not reflect a complete understanding of the rail transit environment or necessarily incorporate industry best practices. In addition, in 2003, we noted that representatives from several associations told us that they have received conflicting messages from the federal agencies involved in transportation security, including rail transit.[16] We further noted that representatives from several associations also stated that their members were unclear about which agency to contact for their various security concerns and which agency has oversight for certain issues. We concluded that a lack of clearly defined roles and responsibilities can lead to problems such as duplication and conflicting efforts, gaps in preparedness, and confusion. Moreover, a lack of coordination can strain intergovernmental relationships, drain resources, and raise the potential for problems in responding to terrorism. Therefore, we recommended that DHS and DOT use a mechanism, such as a memorandum of agreement, to clearly delineate their roles and responsibilities. At a minimum, we recommended that this mechanism establish the responsibilities of each entity in setting, administering, and implementing security standards and regulations; determining funding priorities; and interfacing with the transportation industry, as well as define each entity's role in the inevitable overlap of some safety and security activities.

In response to our 2003 recommendation, DHS and DOT signed a memorandum of understanding (MOU) in September 2004 to develop procedures through which the two departments could improve their cooperation and coordination in promoting the safe, secure, and efficient movement of people and goods throughout the transportation system. The MOU defines broad areas of responsibility for each department. For example, it states that DHS, in consultation with DOT and affected

[15]GAO-05-851.

[16]GAO-03-843.

stakeholders, will identify, prioritize, and coordinate the protection of critical infrastructure. The MOU between DHS and DOT represents an overall framework for cooperation that is to be supplemented by additional signed agreements, or annexes, between the departments. These annexes are to delineate the specific security-related roles, responsibilities, resources, and commitments for mass transit, rail, research and development, and other matters. The annex for mass transit security was signed in September 2005.[17] According to DHS and DOT officials, this annex is intended to ensure that the programs and protocols for incorporating stakeholder feedback and making enhancements to security measures are coordinated. For example, the annex requires that DHS and DOT consult on such matters as regulations and directives that affect security. The annex also identifies points of contact for coordinating this consultation.

In addition to their work on the MOU and related annexes, DHS and TSA have taken other steps to improve collaboration with DOT and industry stakeholders. In April 2005, DHS officials stated that better collaboration with DOT and industry stakeholders was needed to develop strategic security plans associated with various homeland security presidential directives and statutory mandates, such as the Intelligence Reform and Terrorism Prevention Act of 2004, which required DHS to develop a national strategy for transportation security in conjunction with DOT. Responding to the need for better collaboration, DHS established a senior-level steering committee in conjunction with DOT to coordinate the development of this national strategy. In addition, senior DHS and TSA officials stated that industry groups would also be involved in developing the national strategy for transportation security and other strategic plans. Moreover, according to TSA's assistant administrator for intermodal programs, TSA intends to work with APTA and other industry stakeholders in developing security standards for the rail transit industry.[18]

[17]Congress required that an annex to the MOU be signed that would, among other things, define and clarify the respective transit security roles and responsibilities of each department. Pub. L. 109-59, § 3028 (2005).

[18]APTA is a standards development organization recognized by DOT that has set standards for commuter rail, mass transit, and bus safety and operations.

Coordination between Federal Agencies Will Continue to Be Important

DOT's and DHS's efforts to enhance coordination between their agencies and with industry stakeholders on security matters are welcome. Effective coordination between the two departments will continue to be important as both move forward in implementing existing programs as well as new security initiatives. For example, FTA administers the State Safety Oversight program, which mandates that state-designated agencies oversee the safety of rail transit agencies. Although ATSA gave TSA final regulatory authority over all modes of transportation, including rail transit, in the program, FTA sets out minimum requirements the state oversight agencies must ensure that transit agencies meet. FTA's mandated minimum requirements include security components, one of which directs rail transit agencies to maintain a system security plan that includes controls to address employee and passenger security and a process for conducting internal security reviews. Several rail transit operators told us that they were confused by having to answer to both FTA and TSA for transportation security matters. We have ongoing work for the full Committee examining the State Safety Oversight program—and, as part of this review, we will be exploring the extent to which FTA and TSA work together in implementing this program. We expect to issue our report later this summer.

Another area that will require continued coordination is DHS's and DOT's security and safety oversight efforts. TSA has hired rail inspectors to, among other things, monitor and enforce compliance with its May 2004 passenger rail security directives. As of March 2006, TSA had filled 99 of up to 100 inspector positions authorized by Congress.[19] However, TSA has not yet established processes or criteria for determining and enforcing compliance. TSA has also not determined how its rail inspectors will be used to enforce the directives or how they will coordinate with existing FRA safety inspectors or state oversight auditors involved in the State Safety Oversight Program. The Director of TSA's Surface Transportation Inspection Program, which oversees the rail inspectors, and a local rail inspector program supervisor told us that they looked forward to coordinating with FTA on the State Safety Oversight program and would be open to a formalized role in the program, but had not held any discussions with FTA about what that role would be. In fact, both the Director and the local supervisor admitted that they were not familiar with the program's requirements. In addition, the transit security annex to the

[19]These positions were funded through the DHS Appropriations Act of 2005 and its accompanying conference report, which provided TSA with $12 million in funding for rail security activities.

MOU between DHS and DOT does not explicitly mention the State Safety Oversight program as a program for which the two agencies will collaborate, and officials from several state oversight agencies said they were unsure what their role would be in overseeing security once the TSA rail inspectors began their duties. Also, FRA and TSA officials told us that the details of how TSA rail inspectors will coordinate with the approximately 400 existing FRA safety inspectors and 160 state employees enforcing FRA passenger rail rules and regulations remain to be determined. Both FRA and TSA stated that they were committed to avoiding duplication of effort and would work to communicate their respective roles and responsibilities to transit agency officials.

Another area requiring continued coordination is the funding of rail transit security activities. Specifically, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)[20] included a provision mandating that DOT and DHS collaborate on a joint rulemaking for the Transit Security Grant Program. The joint rulemaking is to establish the characteristics of and requirements for transit security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses. The rule is currently being drafted, and officials from DHS' Office of Grants and Training told us they expected it to be finalized in summer 2006.

Concluding Observations

In conclusion, Mr. Chairman, the 2005 London rail bombings made clear that even when a variety of security precautions are put in place, rail transit systems that move high volumes of passengers daily remain vulnerable to attack. Security cannot be guaranteed. Nevertheless, it is important that we take steps to identify and mitigate risks to passenger rail systems. While domestic rail agencies have implemented a number of security practices that are generally consistent with those of foreign rail operators, they have not adopted some practices used in other countries, including covert testing, random screening, and information clearinghouses for new security technologies and best practices. Despite the potential political, legal, fiscal, and cultural challenges that implementing these additional practices in the United States could pose, we continue to believe that the practices may warrant further examination, and we stand by our September 2005 recommendations that DHS, in collaboration with DOT and the passenger rail industry, evaluate the feasibility of implementing them.

[20]P.L. 109-59.

As we move forward with efforts to enhance rail transit security, it is important that we do not examine rail transit security actions and funding in isolation. Rail transit systems represent one of many modes of transportation competing for limited federal security resources. Given competing priorities and finite resources, difficult policy decisions will have to be made by Congress and the executive branch to prioritize security efforts and direct resources to the areas of greatest risk within the passenger rail system, across all transportation modes, and across other sectors of the economy. As we have previously noted in past reports, adopting a risk management approach can help guide and inform these difficult decisions—and help ensure that finite national resources are dedicated to assets or activities considered to have the highest security priority. DHS has taken steps to adopt a risk management approach.

Finally, the sheer number of stakeholders involved in securing rail transit systems can lead to communication challenges, duplication of effort, and confusion about roles and responsibilities. With the execution of the MOU and transit security annex, DHS and DOT have taken important steps forward in improving coordination among the federal entities involved in rail transit security matters. These new agreements will be tested as both departments proceed with new security initiatives and existing programs, such as FTA's State Safety Oversight program. We stand ready to assist the Committee and Subcommittee in monitoring these developments.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the Subcommittee may have at this time.

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Appendix I—Domestic and Foreign Rail Agencies GAO Contacted for GAO-05-851

Table 1: Domestic Passenger Rail Agencies We Visited or Interviewed

Passenger rail agency	Urban area served
Altamont Commuter Express (ACE)	Stockton and San Jose, California
Alaska Railroad Corporation	Anchorage and Fairbanks, Alaska
Bay Area Rapid Transit (BART)	San Francisco – Oakland, California
CALTRAIN	San Francisco and San Jose, California
San Diego Transit Corp. (Coaster)	San Diego, California
Dallas Area Rapid Transit / Trinity Railway Express (DART)	Dallas, Texas
Greater Cleveland Regional Transportation Authority (GCRTA)	Cleveland, Ohio
Los Angeles County Metropolitan Transportation Authority (LACMTA)	Los Angeles, California
Metropolitan Atlanta Rapid Transit Authority (MARTA)	Atlanta, Georgia
Maryland Transit Administration (MTA)	Greater Washington, DC, and Maryland
Massachusetts Bay Transportation Authority (MBTA)	Boston, Massachusetts
METRA Commuter Rail	Chicago, Illinois
Southern California Regional Rail Authority (Metrolink)	Greater Los Angeles, California
Long Island Railroad (LIRR)	New York, New York
Metro North Railroad (MNR)	New York, New York
New York City Transit (NYCT)	New York, New York
Staten Island Railway (SIR)	New York, New York
San Francisco Municipal Railway (MUNI)	San Francisco, California
Northern Indiana Commuter District	Chicago, Illinois — Northern Indiana
Delaware River Port Authority (PATCO)	New Jersey and Philadelphia, Pennsylvania
Port Authority Trans Hudson (PATH)	New York, New York — New Jersey
San Diego Trolley	San Diego, California
Southeastern Pennsylvania Transportation Authority (SEPTA)	Philadelphia, Pennsylvania

Passenger rail agency	Urban area served
South Florida Regional Transportation Authority (SFRTA)	Miami, Florida
Connecticut Department of Transportation (Shore Line East)	New Haven, Connecticut
Sound Transit (Sounder)	Seattle, Washington
TRIMET	Portland, Oregon
Virginia Railway Express (VRE)	Northern Virginia, Greater Washington, D.C.
Washington Metropolitan Area Transit Authority (WMATA)	Washington, D.C.
New Jersey Transit (NJT)	Newark, New Jersey — New York, New York
Miami Dade Transit	Miami, Florida
Chicago Transit Authority (CTA)	Chicago, Illinois

Source: National Transit Database

Table 2: Foreign Passenger Agencies We Contacted

Passenger rail agency	Area served
Paris Metro	Paris, France
French National Railway	France
London Underground	London, United Kingdom
Network Rail	United Kingdom
Channel Tunnel Rail Link	United Kingdom/France
Belgian National Railway	Belgium
Madrid Metro	Madrid, Spain
RENFE (Spanish National Railway)	Spain
JR Central	Japan
Tokyo Metro	Tokyo, Japan
SBS Transit Corporation	Singapore
Singapore Mass Rapid Transit	Singapore
Hong Kong Mass Transit Railway	Hong Kong

Source: GAO

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Statement

Of

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U. S. Department of Homeland Security

Before

the

Subcommittee on Highways, Transit and Pipelines

Committee on Transportation and Infrastructure

U. S. House of Representatives

March 29, 2006

Washington, D.C.

Chairman Petri, Ranking Member DeFazio and Members of the Committee, my name is Tracy Henke. I serve as Assistant Secretary of the Office of Grants and Training within the Department of Homeland Security's Preparedness Directorate. I am pleased to appear before you today to discuss our efforts to secure our Nation's transit systems.

The Office of Grants and Training (G&T) is the Federal government's lead agency responsible for preparing the Nation against terrorism by assisting States, local and tribal jurisdictions, and regional authorities to reduce vulnerabilities against, prevent, respond to, and recover from terrorist acts and other catastrophic incidents, particularly those involving chemical, biological, radiological, nuclear, and explosive incidents. As part of this mission, G&T provides support to our Nation's emergency prevention and preparedness community through a number of different grant programs, training and exercise support, and technical assistance. Specifically, G&T's Transportation Infrastructure Security Division administers a number of programs designed to enhance the security of surface transportation systems throughout the country.

However, it is important to note that the role and activities of G&T is only part of a larger Departmental effort to secure our Nation's various transportation systems, including airport and aviation security, maritime security, rail and transit security.

Transit Security Grant Program

Since its creation in February 2003, in the aftermath of the tragic events of September 11, 2001, the Department of Homeland Security has awarded more than $250 million

specifically for transit security grants. In Fiscal Year (FY) 2003, under the Urban Areas Security Initiative (UASI), what was then the Office for Domestic Preparedness awarded $67.8 million to 19 transit systems for security enhancements. Funding allocation decisions were based solely on ridership, which at the time was the only reliable risk variable. In FY 2004, ODP, which became G&T, provided an additional $49.7 million to 25 major transit systems through the UASI Program for additional security enhancements. For these funds, the Department added the additional criteria of track mileage to make final funding allocations.

We awarded an additional $135 million to 28 Urban Areas in the summer of 2005 as part of the Transit Security Grant Program (TSGP). The overarching goal of the program is to create a sustainable program for the protection of regional transit systems and the commuting public from terrorism, especially explosives and non-conventional threats that would cause major loss of life and severe disruption. The FY 2005 TSGP placed a strong emphasis on prevention and detection relative to improvised explosive devices, as well chemical, biological, radiological, and nuclear agents. For the first time, funds were provided specifically for intra-city bus security enhancements.

Of the $135 million awarded in FY 2005, $107.9 million was awarded for security enhancement for rail transit systems; almost $22.4 million for security enhancements for intra-city bus systems; and almost $3.9 million for ferry system security.

Under the FY 2005 program, the Department for the first time distributed transit security funds using multiple risk factors. The formula for rail transit funding was based on several factors, including: ridership, track mileage, the number of stations and credible threat data. The formula for intra-city bus funding was based on ridership and location within an Urban Areas Security Initiative jurisdiction. The funds dedicated to ferry system security were distributed through a competitive process, but eligible applicants were evaluated based on ridership and a location within a UASI jurisdiction.

Throughout the program development and application process, G&T has worked and coordinated closely with numerous governmental and non-governmental entities to ensure an appropriate level of subject matter expertise and to solicit feedback from our Federal, State, local, and industry partners. We have worked collaboratively with a number of DHS agencies, including officials from the Transportation Security Administration (TSA), the Office of Infrastructure Protection (OIP), the United States Coast Guard, and the Science and Technology Directorate, as well as the Department of Transportation's Federal Transit Administration (FTA) and Federal Railroad Administration. We have also worked closely with State and local transportation officials from New Jersey, New York, Washington, DC, and with industry groups, including the Association of American Railroads and the American Public Transportation Association (APTA).

A major focus of the FY 2005 Transit Security Grant Program was to establish and sustain a risk-based regional planning process to ensure that transit security priorities are

considered in a systematic, risk-based manner. Therefore, Regional Transit Security Working Groups were required to develop a Regional Transit Security Strategy (RTSS), a key enhancement to the FY 2005 Transit Security Grant Program. As the owners and/or operators of infrastructure that is vital to the well-being of the States and urban areas they serve, it is imperative that transit systems be incorporated into regional preparedness planning efforts and have regional strategies. The RTSSs are intended to integrate individual agency needs into a regional perspective in order to holistically address identified transportation security vulnerabilities and drive the allocation of Federal, State and local funding towards addressing these regional concerns in a systematic fashion. In addition, transit systems selected for funding under the FY 2005 TSGP were required to conduct a risk assessment and use this data to create a Security and Emergency Preparedness Plan (SEPP) that specifically identifies how the transit system intends to address any shortfall in Improvised Explosive Device (IED) or other prevention, detection, and response capabilities identified in the risk assessment. These strategies will remain a cornerstone of the FY 2006 Transit Security Grant Program.

A regional approach is critical to overall preparedness. That is why the Department required that all working groups include representation from the applicable State(s) and urban area(s) served by the transit systems receiving funds, and strongly recommended that other transit agencies whose systems intersect with those of the grant recipients also participate in the RTSWG process. In addition, for those transit operations that intersect with those of Amtrak in the Northeast Corridor and in Chicago, a representative of the National Railroad Passenger Corporation (Amtrak) had to be included in the RTSWG.

Close coordination with Amtrak on the expenditure of funds for security enhancements at shared facilities was also required.

The RTSS should serve as the integration point between the individual, risk-based SEPP, and the overall security goals and objectives of a region. Therefore, the RTSS must demonstrate a clear linkage to the applicable State and Urban Area homeland security strategies developed. It is expected that the SEPPs and the RTSS will serve as the basis on which funding is allocated to address regional transit security priorities, and the vehicle through which transit agencies may justify and access other funding and resources available on a region-wide basis through other DHS-supported grant programs.

G&T's Transportation Infrastructure Security Division (TISD) worked with an interagency Strategy Review Board (SRB) consisting of representatives from DHS Directorates and Offices (such as OIP, TSA, and the U.S. Coast Guard), and representatives of other Federal agencies (such as the Federal Transit Administration), to evaluate the regional strategies. Drawing on its subject matter expertise, the SRB assisted TISD in determining whether each RTSS represented a reasonable approach to identifying and addressing transit security priorities for the region. This in turn informed G&T's decision on whether to approve the RTSS, or recommend specific enhancements prior to approval.

The FY 2006 Transit Security Grant Program will build on the progress made in FY 2005 to institutionalize a risk-based, regional approach to the allocation of transit security

funding. Congress appropriated a net of $163 million for this program in FY 2006. In addition to the enhancements made during FY 2005, the FY 2006 program will further refine the risk formula for the allocation of Transit Security Grant Program funds, require integration of the RTSWGs and each region's RTSS with the existing Urban Area Working Groups and Strategies and, importantly, require alignment of each region's RTSS with the Homeland Security Goal and the seven National Homeland Security Priorities developed from Homeland Security Presidential Directive (HSPD) 8.

Intercity Passenger Rail Security Grant Program

Whereas the Transit Security Grant Program provides support and assistance to the owners and operators of urban transit systems, the FY 2005 Intercity Passenger Rail Security Grant Program (IPRSGP) provided funds and technical assistance to Amtrak for risk assessment, critical infrastructure protection and emergency preparedness. Under this program, G&T awarded $7.1 million to Amtrak. Of these funds, $6,373,730 is for grants for security enhancements along Amtrak's Northeast Corridor and at its hub in Chicago, Illinois. These represent the most highly traveled passenger routes in the Nation. An additional $726,270 was used to provide technical assistance in the development of a risk-based assessment of Amtrak's Northeast Corridor and the Communication, Command, and Control Centers located on the Northeast Corridor. This assessment will help assist Amtrak in identifying and prioritizing needs for security countermeasures, emergency response capabilities, and management of security enhancements in these areas.

In order to promote the regional-based approach to preparedness and security, the expenditure of these funds by Amtrak is contingent upon Amtrak having an updated SEPP, a comprehensive plan that provides written policies and procedures to guide activities for homeland security and emergency preparedness. Amtrak must also coordinate its funding allocation decisions with the RTSSs being developed in the Northeast Corridor and Chicago. To facilitate this coordination, Amtrak must provide a representative to the RTSWGs responsible for the development of the RTSS.

For FY 2006, we will expand the assessment process beyond Amtrak's Northeast Corridor to its operations on the west coast. A portion of the $8 million made available by Congress in the FY 2006 program will be used to perform an assessment of Amtrak's operations in key urban areas (Seattle, Sacramento, Oakland, San Jose, Los Angeles and San Diego). These assessments will be used to guide the expenditure of all FY 2006 IPRSGP funds.

Intercity Bus Security Grant Program

In addition to the funds provided for intra-city bus security as part of the Transit Security Grant Program, G&T also provides support to the owners and operators of intercity and charter bus services. The Intercity Bus Security Grant Program (IBSGP) enhances security for millions of Americans who travel long distance by bus. The program is intended to create a sustainable effort for the protection of this critical element of our transportation infrastructure from terrorism, especially explosives and non-conventional threats that would cause major loss of life and severe disruption.

The FY 2005 IBSGP provided $9,657,138 to owners/operators of fixed-route, intercity bus services using over-the-road buses. Eligibility for this competitive process was determined based on the type of service provided (fixed-route, intercity bus services using over-the-road buses) and service to defined UASI jurisdictions.

The FY 2005 IBSGP placed a strong emphasis on prevention and detection relative to IEDs, as well as chemical, biological, radiological and nuclear devices (including sensors, canine units, etc). The program focused on passenger and baggage screening programs and facility security enhancements in defined UASI jurisdictions. The FY 2005 IBSGP also focused on vehicle/driver security, monitoring, communications, training and exercises.

The FY 2006 IBSGP will build on the progress made in FY 2005 to institutionalize a risk-based approach to the allocation of security funding. These enhancements include expanding eligibility to owners/operators of fixed-route and charter bus services that use over-the-road buses and provide service to defined UASI jurisdictions, developing an enhanced process for validating the list of applicants that meet the established eligibility criteria and will focus on national intercity bus security priorities. Examples will include passenger and baggage screening programs, vehicle/driver security, monitoring, tracking and emergency communications.

The FY 2006 IBSGP will also require that successful applicants develop and implement SEPPs for their operations. The basis for developing the SEPP will be the template developed by the American Bus Association/United Motorcoach Association (ABA/UMA) Joint Venture through an effort that is funded by G&T and managed in partnership with TSA. As part of this requirement, technical support will also be available from the ABA/UMA Joint Venture to help with implementation of this requirement. We will also seek appropriate points of alignment between the FY 2006 IBSGP and the Highway Watch® and TSA Corporate Security Review Programs.

As in FY 2005, successful applicants in FY 2006 will be selected through a competitive process. Eligible applications will be reviewed and scored by a National Review Panel (NRP) against the evaluation criteria. G&T is working with TSA, FTA and the Federal Motor Carrier Safety Administration (FMCSA) on the final selections to ensure consensus and address any remaining issues.

Memorandum of Understanding

The Departments of Homeland Security and Transportation entered into a Memorandum of Understanding (MOU) in September 2004, to facilitate the development and deployment of transportation security measures and to recognize the importance of communication and cooperation between the two departments. In September 2005, an Annex was added that identified specific areas of coordination, including citizen awareness, training, exercises, risk assessment and information sharing – all of which will be leveraged and complimented by future iterations of the Transit Security Grant Program. The Annex was adopted by the FTA, TSA and G&T.

Under the Annex, an Executive Steering Committee was formed, comprised of representatives from FTA, TSA and G&T. This body meets formally on a quarterly basis to identify and manage opportunities for interagency collaboration. In its initial meeting, the Steering Committee designated project management teams aligned to the specific program areas as identified in the Annex. These teams focus on the identification of gaps in transit security programs and propose solutions designed to overcome identified challenges. The Annex further provides a mechanism for industry and public transportation association input. G&T will utilize this framework to leverage G&T's comprehensive preparedness support mechanisms to the issue of transit security, including planning, training, exercise and risk assessment support.

Rulemaking

Section 3028 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act (SAFETEA-LU), requires that "the Secretary of Transportation and the Secretary of Homeland Security shall issue jointly, final regulations to establish the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses."

Programmatic coordination is a key aspect to the success of the Transit Security Grant Program and will remain so in the future. G&T coordinated closely with the FTA, TSA, APTA and industry in the creation of the Transportation Security Grant Program

guidance. G&T also included FTA and TSA, as well as other Federal partners, in the review of each required Regional Transportation Security Strategy. We have made significant progress in drafting the proposed rule.

Additional Activities

Since September 11, 2001, the Department has awarded more than $8.6 billion in assistance through the State Homeland Security Grant Program and the Urban Areas Security Initiative, of which funding can be applied to the purchase of equipment for the prevention and detection of attacks on transit systems. These funds can also be used to support exercises that test state and local emergency prevention and response to terrorist events, as well as training designed to develop proficiency in preventing and responding to terrorist acts. Data from grant reports indicate that 11 States directed more than $23.6 million in FY 2004 State Homeland Security Grant Program and UASI funds to transit-related security projects. Further, data from these program reports indicate that 14 States have directed some $41.7 million in FY 2005 funds to transit security-related projects.

As you know, the Administration has forwarded to Congress a FY 2007 budget request that proposes a Targeted Infrastructure Protection Program (TIPP). Recognizing that terrorism poses an ever-changing threat, the TIPP approach is designed to address our Nation's challenges in facilitating a consolidated approach, rather than the current, stove-pipe approach, to prioritizing and securing critical infrastructure, including transit systems. The TIPP proposal, if enacted, would provide a larger pool of resources and

allow the Secretary discretion to set priorities based upon the most current threat, risk, need and national priorities, and would complement ongoing DHS efforts to integrate protection efforts across infrastructure sectors.

Mr. Chairman and Members of the Committee, this concludes my testimony. Thank you for your continued support for the Office of Grants and Training and the Department of Homeland Security. I am happy to answer any questions the Committee may have.

TESTIMONY OF

WILLIAM W. MILLAR, PRESIDENT

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES

OF THE

HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

ON

TRANSIT AND OVER-THE-ROAD BUS SECURITY

****

March 29, 2006

SUBMITTED BY

American Public Transportation Association
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APTA is a nonprofit international association of over 1,600 public and private member organizations including transit systems and commuter rail operators; planning, design, construction and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Mr. Chairman, thank you for this opportunity to provide testimony to the Subcommittee on the security and safety of public transportation systems. We appreciate your interest in public transportation security, and we look forward to working with you on this issue.

Mr. Chairman, I want to thank the Committee on Transportation and Infrastructure for introducing and reporting the "Public Transportation Terrorism Prevention and Response Act of 2004," H.R. 5082, in the 108th Congress. As you know, this legislation would have authorized $3.5 billion in transit security grant funding over a three-year period for transit systems. I want to thank the Committee for its leadership on transit security issues and look forward to working with you in that regard during the coming year.

OVERVIEW

Mr. Chairman, public transportation is one of our nation's critical infrastructures. We cannot overemphasize the importance of our industry to the economic vitality and quality of life of the nation. Our citizens take more than 9.6 billion transit trips each year. People use public transportation vehicles over 32 million times each weekday--more than sixteen times the number of daily travelers on the nation's airlines.

Safety and security are the top priority of the public transportation industry. Transit systems took many steps to improve security prior to 9/11 and have significantly increased efforts since then. Since September 11, 2001, public transit agencies in the United States have spent more than $2 billion on security and emergency preparedness programs and technology from their own budgets with only minimal federal funding. Last year's terrorist bombings in London and the previous year's terrorist attacks in Madrid highlight the need to strengthen security on public transit systems and to do so without delay. We simply should not be waiting for another wakeup call like the terrorists bombings in London and Madrid or to find ourselves in a reactionary mode should terrorists strike again in our country.

We urge Congress to act decisively on this issue. While transit systems are doing their part, protection against terrorist attacks is clearly a federal responsibility and the federal government needs to increase spending on transit security. In light of the documented needs, we respectfully urge Congress to provide at least $560 million in the Fiscal Year (FY) 2007 Homeland Security Appropriations bill for transit security grants to assist transit systems to help address the $6 billion in identified transit security investment needs. Funding at this level annually would allow for dramatic improvement in security for the nation's transit users over a 10 year period. Federal funding for transit security should address both hard and soft costs as described below. We also urge Congress to provide $500,000 to the Department of Homeland Security (DHS) so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation with our federal partners to assist with the development of transit security standards. In addition, we urge Congress to provide $600,000 to maintain the Public Transit Information Sharing Analysis Center (ISAC).

With regard to improving the distribution of funds under the existing transit security programs, we recommend that the existing process for distributing DHS grants be modified so that funds are made directly to transit authorities, rather than through State Administrating Agencies (SAA). We believe direct funding to the transit authorities would be quicker and cheaper. The current process and grant approval procedures have created significant barriers and time delays in getting funds into the hands of transit agencies and thus productively used.

BACKGROUND

In 2004, APTA surveyed its U.S. transit system members to determine what actions were needed to improve security for their customers, employees and facilities. In response to the survey, transit agencies around the country identified in excess of $6 billion in transit security investment needs. State and local governments and transit agencies are doing what they can to improve security, but it is important that the federal government be a full partner in the effort to ensure the security of the nation's transit users.

In FY 2003, $65 million in federal funds were allocated by DHS to 20 transit systems. In FY 2004, $50 million was allocated by DHS for 30 transit systems. For the first time in FY 2005, Congress specifically appropriated $150 million for transit, passenger and freight rail security. Out of the $150 million, approximately $130 million went to transit agencies—almost $108 million for rail transit and more than $22 million for bus. Also, passenger ferries received an additional $5 million for security from a separate account. In FY 2006, Congress appropriated $150 million for transit, passenger and freight rail security. DHS is currently deciding how to allocate this funding among the eligible modes of transportation. While we are appreciative of this effort, in the face of significant financial needs more needs to be done.

Transit authorities have significant and specific transit security needs. Based on APTA's 2003 Infrastructure Database survey, over 2,000 rail stations have no security cameras. According to our 2005 Transit Vehicle Database, 53,000 buses, over 5,000 commuter rail cars, and over 10,000 heavy rail cars have no security cameras. Fewer than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to determine the location of a bus when an emergency occurs. Nearly 75 percent of demand response vehicles lack these AVLs. Further, no transit system has a permanent biological detection system. In addition, only two transit authorities have a permanent chemical detection system. Major financial investments through DHS are essential to address these needs.

We are disappointed that the Administration proposed only $600 million for a Targeted Infrastructure Protection Program in the FY 2007 DHS budget proposal which would fund infrastructure security grants for transit, seaports, railways and other facilities. We ask that the Administration and Congress provide a specific line item funding for transit security. This is what Congress has done during the last two years of DHS appropriations. We look forward to working with the Administration and Congress to secure adequate transit security funding that begins to address unmet transit security needs throughout the country.

SECURITY GRANT PROGRAM

The DHS's Office of Grants and Training (G&T) is responsible for the distribution of the transit security grant program. G&T should be commended for reaching out to the transit industry as it has participated in numerous listening sessions on our concerns. Staff from G&T have attended APTA conferences and participated in transit security panel discussions. G&T staff have conducted various conferences in different regions of the country to explain the details of the transit security grant program to industry stakeholders. We continue to work with G&T on streamlining and improving the grant program but are frustrated with the results thus far.

Since the creation of the DHS, three separate offices have been responsible for the distribution of transit security grants. Funds were originally distributed by the Office for Domestic Preparedness (ODP). Then it became known as the Office of State and Local Government Coordination and Preparedness (SLGCP). Now it is known as the Office of Grants and Training (G&T).

Along with the organizational changes, each new office has changed the distribution process for the transit security grants. In FY 2003 under ODP, grants went directly to the transit authorities. In FY 2004 under SLGCP, grants went to the State Administrating Agencies (SAAs), which then distributed grants to the transit systems. In FY 2005 under SLGCP, grants went through the SAAs, which then distributed grants to eligible transit systems on a regional basis in coordination with the urban area. Eligible transit systems were then required to work with the SAAs, the urban area, and the other eligible transit systems in their region to come up with a regional transit security plan on how to spend the federal funding before the transit system could be awarded the grant. Now under G&T, we are still waiting for the grant apportionments and guidance even though the FY 2006 Department of Homeland Security Appropriations bill that provided the transit security grant funding was signed into law on October 18, 2005 (P.L 109-90).

The transit systems that have been allocated DHS funds are accustomed to receiving federal transit funding directly to designated recipients from the Federal Transit Administration (FTA) under a system established by the Transportation and Infrastructure Committee. We believe that using this grant making structure for security grants from DHS would be more efficient and productive. The FTA model has been in place for years and works well in distributing funds quickly to transit systems. In contrast, DHS's current process and conditions have created significant barriers and time delays in getting funds into the hands of transit agencies where they can be used to protect riders. We urge Congress to require that the transit security grants go directly to the transit authorities using the FTA process.

In that regard, we note that Section 3028, Subsection (c) of Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users, SAFETEA-LU (P.L. 109-59) requires the Secretary of Transportation and the Secretary of the Department of Homeland Security to "issue jointly final regulations to establish the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses." We believe this rulemaking could be used to address our concerns and we asked the Committee to direct that it do so.

STANDARDS DEVELOPMENT

APTA is a Standards Development Organization (SDO) for the public transportation industry. We are now in the process of applying our growing expertise in standards development to transit industry safety and security, best practices, guidelines and standards as well. We have already begun to initiate our efforts for security standards development and we are working with our federal partners at both DHS and Department of Transportation in this process. Through these initial meetings, I am pleased to report that our federal partners have agreed to support these efforts. We urge the Congress to provide $500,000 to DHS for grant funding for APTA's security standards program which includes participation by DHS, by FTA and other federal partners in the development of such standards and practices consistent with what we have already been doing in the standards area. Our efforts in standards development for commuter rail, rail transit and bus transit operations have been significant and our status as a SDO is acknowledged by both the FTA and the Federal Railroad Administration (FRA). The FTA and the Transportation Research Board have supported our standards initiatives through the provision of grants.

INFORMATION SHARING

Since the terrorist attacks of September 11, 2001, public transit systems across the country have worked diligently to strengthen their security plans and procedures and have been very active in training personnel and conducting drills to test their capacity to respond to emergencies. To the extent possible

within their respective budgets, transit systems have been incrementally hardening their systems to terrorist attack through the introduction of additional technologies such as surveillance equipment, access control and intrusion detection systems. While the transit systems have been diligent, they are unable to fully and quickly implement necessary security improvements without large financial assistance from the federal government.

A vital component of ensuring public transit's ability to prepare and respond to critical events is the timely receipt of security intelligence in the form of threats, warnings, advisories and access to informational resources. Accordingly, in 2003, the American Public Transportation Association, supported by Presidential Decision Directive #63, established an ISAC for public transit systems throughout the United States. A funding grant in the amount of $1.2 million was provided to APTA by the Federal Transit Administration to establish and operate a successful Public Transit ISAC that operated 24 hours a day, 7 days a week, and gathered information from various sources, including DHS. The ISAC also passed information on to transit systems following a careful analysis of that information. However, given that the Federal Transit Administration was subsequently unable to access security funds, and given the decision of DHS to not fund ISAC operations, APTA has had to look for an alternate method of providing security intelligence through DHS's newly created Homeland Security Information Network (HSIN). APTA continues to work with DHS staff to create a useful HSIN application for the transit industry. It is clear, however, that while the HSIN may become an effective resource, it does not match the 24/7 two-way communication functions provided through the Public Transit ISAC. We believe that consistent, on-going and reliable funds from Congress should be provided for the Public Transit ISAC which has been proven an effective delivery mechanism for security intelligence. Therefore, we respectfully urge Congress to provide $600,000 to maintain the Public Transit ISAC.

COST OF HEIGHTENED SECURITY

Following the attacks in London, APTA was asked to assist the Transportation Security Administration (TSA) in conducting a teleconference between the TSA and transit officials to discuss transit impacts pertaining to both increasing and decreasing the DHS threat levels. There is no question that increased threat levels have a dramatic impact on budget expenditures of transit systems and extended periods pose significant impacts on personnel costs. The base costs totaled $900,000 **per day** for US public transit systems or an estimated $33.3 million from July 7 to August 12, 2005 during the heightened state of "orange" for public transportation. This amount does not include costs associated with additional efforts by New York, New Jersey and other systems to conduct random searches.

Many transit systems are also implementing other major programs to upgrade security. For example, New York's Metropolitan Transportation Authority (NY-MTA) is taking broad and sweeping steps to help ensure the safety and security of its transportation systems in what are among the most extensive security measures taken by a public transportation system to date. NY-MTA will add 1,000 surveillance cameras and 3,000 motion sensors to its network of subways and commuter rail facilities as part of a $212 million security upgrade announced late last year with the Lockheed Martin Corporation. In fact, NY-MTA plans to spend over $1.1 billion between now and 2009 on transit security.

SECURITY INVESTMENT NEEDS

Mr. Chairman, since the awful events of 9/11, the transit agencies have invested more than $2 billion of their own funds for enhanced security measures. At the same time, our industry undertook a comprehensive review to determine how we could build upon our existing industry security practices. This included a range of activities, which include research, best practices, education, information

sharing in the industry, and surveys. As a result of these efforts we have a better understanding of how to create a more secure environment for our riders and the most critical security investment needs.

Our latest survey of public transportation security identified enhancements of at least $5.2 billion in additional capital funding to maintain, modernize, and expand transit system security functions to meet increased security demands. Over $800 million in increased costs for security personnel, training, technical support, and research and development have been identified, bringing total additional transit security funding needs to more than $6 billion.

Responding transit agencies were asked to prioritize the uses for which they required additional federal investment for security improvements. Priority examples of operational improvements include:

Funding current and additional transit agency and local law enforcement personnel
Funding for over-time costs and extra security personnel during heightened alert levels
Training for security personnel
Joint transit/law enforcement training
Security planning activities
Security training for other transit personnel

Priority examples of security capital investment improvements include:

Radio communications systems
Security cameras on-board transit vehicles and in transit stations
Controlling access to transit facilities and secure areas
Automated vehicle locator systems
Security fencing around facilities

Transit agencies with large rail operations also reported a priority need for federal capital funding for intrusion detection devices.

Mr. Chairman, the Department of Homeland Security issued directives for the transit industry in May 2004 which required that transit authorities beef up security and to take a series of precautions which would set the stage for more extensive measures without any federal funding assistance. Transit systems have already carried out many of the measures that Transportation Security Administration (TSA) is calling for, such as drafting security plans, removing trash bins and setting up procedures to deal with suspicious packages. The cost of these measures and further diligence taken during times of heightened alert is of particular concern to us. We look forward to working with you in addressing these issues.

As you know, in the FY 2006 Homeland Security Appropriations bill (PL 109-90), TSA can hire rail inspectors using an $8 million appropriation. We have concerns about this provision. We believe that funding for the inspectors would be better spent on things that would support the industry such as surveillance cameras, emergency communication and other systems rather than highlighting security issues without providing the necessary resources to address them. We look forward to working with you in addressing our concerns.

ONGOING TRANSIT SECURITY PROGRAMS

Mr. Chairman, while transit agencies have moved to a heightened level of security alertness, the leadership of APTA has been actively working with its strategic partners to develop a practical plan to address our industry's security and emergency preparedness needs. In light of our new realities for security, the APTA Executive Committee has established a Security Affairs Steering Committee. This committee addresses our security strategic issues and directions for our initiatives. This committee will

also serve as the mass transit sector coordination council that will interface with DHS and other federal agencies forming the government coordinating council.

In partnerships with the Transportation Research Board, APTA supported two TCRP panels that identified and initiated specific projects developed to address *Preparedness/Detection/Response to Incidents* and *Prevention and Mitigation.*

In addition to the TCRP funded efforts, APTA has been instrumental in the development of numerous security and emergency preparedness tools and resources. Many of these resources were developed in close partnership with the FTA and we are presently focused on continuing that same level of partnership with various entities within DHS. Also, APTA has reached out to other organizations and international transportation associations to formally engage in sharing information on our respective security programs and to continue efforts that raise the bar for safety and security effectiveness.

CONCLUSION

Mr. Chairman, in light of our nation's heightened security needs post 9/11, we believe that increased federal investment in public transportation security by Congress and DHS is critical. The public transportation industry has made great strides in transit security improvements since 9/11 but much more needs to be done. Therefore, we respectfully urge Congress to provide at least $560 million in the FY 2007 Department of Homeland Security Appropriations bill for transit security grants to assist transit systems to continue to address the $6 billion in identified transit security investment needs. Funding at this level annually would also allow for dramatic improvement in security for the nation's transit users over a 10 year period. We also respectfully urge Congress to provide $500,000 to the Department of Homeland Security so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our federal partners to assist with the development of transit security standards and practices consistent with what we have already seen through the FTA. In addition, we respectfully urge Congress to provide $600,000 to maintain the Public Transit ISAC. We urge Congress to require that the transit security grants go directly to the transit authorities.

We have also found that investment in public transit security programs, resources and infrastructures provides a direct benefit in preparation and response to natural disasters as well. We look forward to building on our cooperative working relationship with the Department of Homeland Security and Congress to begin to address these needs. We again thank you and the Subcommittee for allowing me to testify on these critical issues and look forward to working with you on safety and security issues.

SURVEY OF UNITED STATES TRANSIT SYSTEM SECURITY NEEDS AND FUNDING PRIORITIES

SUMMARY OF FINDINGS

April 2004

AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

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Survey of United States Transit System Security Needs and Funding Priorities

Summary of Findings

April 2004

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SUMMARY AND PRINCIPAL FINDINGS

The American Public Transportation Association conducted a survey of its transit agency members during the first quarter of 2004 to determine (a) the amount of funds they spend on and need for their security function; (b) the extent to which they had increased and improved their security measures since September 11, 2001; and (c) the priorities they place on security measures that should be supported by federal funding. A sample of 120 transit agencies participated in the survey representing a cross section of transit agencies operating all modes of transit service, in communities of all sizes, and in all areas of the U.S. The principal findings of that survey are:

- ***Total security needs***
  Transit agency security-related investment needs are $6 billion. This amount includes $5.2 billion for transit agency security-related capital investment plus $800 million annually for security-related personnel and other security-related expenses.

- ***Local security expenditures since September 11, 2001***
  From September 11, 2001 through the end of 2003, U.S. transit agencies spent $1.7 billion for their security functions: $1.3 billion for security-related operating expenditures and $400 million for investment in security capital equipment.

- ***Shortfall in security funding***
  U.S. transit agencies experienced a total shortfall in security funding for the period September 11, 2001 through Calendar Year 2003 of about $1.3 billion. Overall an additional $350 million was needed for security-related operating expenditures and $950 million for security-related capital investments.

- ***Adoption of new and improvement of current security measures***
  New security measures have been adopted since September 11, 2001 by 88.3 percent of transit agencies responding to the survey, and 74.2 percent have increased security measures that were already in place.

- ***Priority of security operating needs***
  Five security-related operating measures most often selected as those for which federal funding is "Very Important" are:
  - Funding Current Transit Agency/Local Law Enforcement Security Personnel
  - Training for Security Personnel Including Preparatory Drills
  - Funding Additional Transit Agency/Local Law Enforcement Security Personnel
  - Security Training for Other Personnel
  - Joint Transit/Law Enforcement Training Including Preparatory Drills

- ***Priority of security capital needs***

Five security-related capital investments most often selected as those for which federal funding is "Very Important" are:

- Radio Communications Systems Including Operational Control Redundancy
- Security Cameras On-Board Vehicles
- Controlled Access to Facilities and Secure Areas
- Security Cameras in Stations
- Automated Vehicle Locator Systems

The very largest systems with extensive separated right-of-way rail lines and tunnel networks also rated federal funding for chemical, biological, and radiation detection devices as very important.

For further information contact Robert Healy, Director-Government Relations at (202) 496-4811, or by E-mail at rhealy@apta.com.

APTA SURVEY OF UNITED STATES TRANSIT SYSTEM SECURITY NEEDS AND FUNDING PRIORITIES

The American Public Transportation Association conducted a survey of its transit agency members during the first quarter of 2004 to determine (a) the amount of funds they spend on and need for their security function; (b) the extent to which they had increased and improved their security measures since September 11, 2001; and (c) the priorities they place on security measures that should be supported by federal funding. Participating transit agencies completed a four page survey.

Description of Survey Sample

A sample of 120 transit agencies participated in the survey representing a cross section of transit agencies operating all modes of transit service, in communities of all sizes, and in all areas of the U.S. The sample is described on Table 1. In aggregate, the responding transit agencies carried 73.2 percent of all transit passenger trips in 2001, provided 71.7 percent of all transit passenger miles of service, and operated 46.8 percent of all transit vehicles.

Table 1: Description of Sample Group

Transit Agency Sample Group	Number of Transit Systems in Sample Group	2001 Unlinked Passenger Trips (000s)	2001 Passenger Miles (000s)	2001 Vehicles Available for Maximum Service
Multi-Mode with Rail or Ferry Total	32	6,144,461.7	31,265,740.9	43,281
Percent of All Multi-Mode	57.1%	92.7%	90.3%	82.8%
Large Bus Total	29	680,094.0	2,834,084.6	13,940
Percent of All Large Bus	40.8%	42.5%	42.0%	40.9%
Medium Bus Total	29	183,990.3	795,732.7	4,122
Percent of All Medium Bus	31.9%	47.2%	35.5%	31.7%
Small Bus Total	30	59,571.0	302,689.5	1,462
Percent of All Small Bus	0.5%	5.8%	5.6%	4.2%

To differentiate the effect of size on transit agency responses and to better estimate total expenditures on and funding needs for transit security, the sample is divided into four groups of similar systems by vehicle modes operated and system size based on vehicles available for operation as shown on Table 1. These groupings are selected solely to describe the survey sample and do not correspond to any APTA, Federal Transit Administration, or National Transit Database categories. Reported values are then expanded using standard statistical methods. The total sample of transit agencies operates 97.5 percent of all heavy rail cars, 84.5 percent of all commuter rail cars, 82.8 percent of all light rail cars, 47.0 percent of all motor buses, 25.9 percent of all demand response vehicles, and 34.6 percent of all other transit vehicles operated in the country.

Categories of Transit Agency Security Personnel

Responding agencies use a variety of sources to obtain their security personnel. As shown on Table 2, 16.7 percent of responding transit agencies have their own dedicated transit police. As would be expected, most transit agencies with their own law enforcement organization are larger systems, primarily rail or multimodal systems and a few very large bus systems. Dedicated security personnel in addition to transit police are employed by 25.8 percent of respondents.

Table 2: Types of Security Personnel at Transit Agencies

Sample Group	Systems in Survey Sample with Type of Security Personnel					
	Dedicated Transit Police Force	Dedicated Security Personnel Employed by System	Law Enforcement Contracted from Local/State Government	Law Enforcement Provided by State/Local Government	Contracted Security Personnel	Other Security Personnel Provision
Multi-Mode with Rail or Ferry Number Respondents	17	12	11	6	18	6
Multi-Mode with Rail or Ferry Percent Respondents	53.1%	37.5%	34.4%	18.8%	56.3%	18.8%
Large Bus Number Respondents	3	11	14	8	21	3
Large Bus Percent Respondents	10.3%	37.9%	48.3%	27.6%	72.4%	10.3%
Medium Bus Number Respondents	0	5	12	11	20	2
Medium Bus Percent Respondents	0.0%	17.2%	41.4%	37.9%	69.0%	6.9%
Small Bus Number Respondents	0	3	6	16	9	1
Small Bus Percent Respondents	0.0%	10.0%	20.0%	53.3%	30.0%	3.3%
Total Sample Number Respondents	**20**	**31**	**43**	**41**	**68**	**12**
Total Sample Percent Respondents	**16.7%**	**25.8%**	**35.8%**	**34.2%**	**56.7%**	**10.0%**

Law enforcement service is provided by state and local governments under paid contracts for 35.8 percent of responding transit systems and provided without payment for an additional 34.2 percent of respondents. The remaining responding systems did not specify the arrangement through which the local law enforcement function is provided to their agency. Dedicated security personnel are contracted for by 56.7 percent of responding agencies and 10 percent make other arrangements for security personnel. In all cases municipal, county, and state law enforcement officers would also provide a security function consistent with local law whether or not a formal contractual arrangement exists.

TRANSIT AGENCY SECURITY ACTIONS AND EXPENDITURES

SINCE SEPTEMBER 11, 2001

New and Augmented Transit Agency Security Measures Taken Since September 11, 2001

Survey participants were asked whether or not they had implemented new security measures since September 11, 2001, or enhanced security measures that were already in place before then. The question was open ended and suggested responses were not provided. New security measures have been adopted by 88.3 percent of respondents and 74.2 percent have increased security measures that were already in place at that time. Several respondents pointed out that they had already implemented new security measures prior to September 11, 2001 and hence could only report a more limited set of initiatives since that date. As reported on Table 3, nearly all larger transit agencies implemented new security measures and most increased existing measures.

Table 3: Transit Systems Reporting New or Increased Security Measures Since September 11, 2001

Sample Group	Systems Adopting New Security Measures or Additional Security Measures Since September 11, 2001		Systems Increasing Security Measures That Were in Place Prior to September 11, 2001	
	Yes	No	Yes	No
Multi-Mode with Rail or Ferry Number	31	1	27	5
Multi-Mode with Rail or Ferry Percent	96.9 %	3.1 %	84.4 %	15.6 %
Large Bus Number	28	1	26	3
Large Bus Percent	96.6 %	3.4 %	89.7 %	10.3 %
Medium Bus Number	25	4	19	10
Medium Bus Percent	86.2 %	13.8 %	65.5 %	34.5 %
Small Bus Number	22	8	17	13
Small Bus Percent	73.3 %	26.7 %	56.7 %	43.3 %
Total Sample Number	**106**	**14**	**89**	**31**
Total Sample Percent	**88.3 %**	**11.7 %**	**74.2 %**	**25.8 %**

Because the questions were open ended and requested only examples of new or increased security measures, not a check-off of all categories of security measures, the percent of transit agencies implementing or increasing specific security measures is not calculated. The types of security measures implemented or improved fell into eight general categories.

Please note that the absence of a system reporting new or increased efforts for a particular security measure does not imply that a system does not use that security measure. Many of the following security measures are part of the normal activity of most transit agencies and have been standard activities for many years. The described activities are a sample of

those that the transit agencies report doing in a new way or a significantly increased way relative to the size and needs of their agency.

Employee and Customer Training and Information. Fifty-one transit agencies reported new or increased security training and information measures. These activities include training for transit personnel, both security personnel and other personnel, and improving distribution of security-related information to employees and customers. Because many transit system employees, especially bus and rail vehicle operators, conductors, and station attendants, are continually in contact with transit customers, they are able to be a "first-line" in ensuring continuous security for transit patrons.

Security and Emergency Plans, Procedures, Assessments, and Drills. Sixty-three transit agencies reported new or increased security measures of this type. Transit agencies have developed new or revised existing security plans to account for the changing threats to their systems. Drills, including joint drills with other local security agencies and responders such as fire and medical personnel, improve an agency's ability to avoid security incidents and to respond to an incident should one occur.

Security Personnel Presence and Visibility. The presence of security personnel is an important part of reducing threats to transit agencies. Fifty-three agencies reported significant increases in the number of security personnel, the amount of time they were on patrol, or the areas they patrolled. Some agencies also have begun using specialized security personnel such as K-9 patrols.

Radio Communications Infrastructure. Thirteen transit agencies reported new, improved, or planned radio communications systems including operational control expansion and redundancy. In a later section of this report, radio communications systems will be among the highest priorities for federal funding needs of responding systems. The high priority placed on these systems compared to the limited number of respondents which have improved their radio communications systems is an indication of the investment required to introduce new systems and the shortfall in available security funding for capital investments.

Access Control and Intrusion Detection. Fifty-three transit agencies reported new or enhanced access control functions. Access control encompasses a variety of measures. New ID and visitor identification procedures have been implemented to control access to transit facilities. New procedures have been put in place to screen mail and other deliveries to transit facilities and offices. Larger systems with stations and tunnels are installing chemical, biological, and radiological detection devices to enhance the security of their patrons. Many systems are installing physical detection devices at their facilities as well as improved lighting, fencing, locks and doors that require swipe-card or similar electronic devices for employee access.

Automated Vehicle Locator Systems. Automated vehicle locator systems (AVL), also referred to as global positioning systems (GPS) for the technology that some of them use, allow transit agencies to know in real-time the exact location of their buses and vans.

Coupled with communication systems they allow immediate response to any security threat to those vehicles. Only 17 responding systems have been able to implement new or improve existing AVL systems. As with radio communication systems, this is due in part to the expense of these systems and the limited funds that transit agencies have to make security investments. AVL systems are a high priority for investment for bus and van transit operators.

Surveillance Systems. Surveillance systems provide for real time observation of transit facilities and vehicles as well as visual and audio recording. Eighty-one responding agencies report new or enhanced surveillance systems. Real time surveillance is primarily provided by closed circuit television (CCTV) and is used in transit stations and facilities and in some cases on vehicles. Cameras record activity on transit vehicles and in stations and facilities. Transit agencies invest in the technology that is appropriate to their system and needs.

Other Investments. Other investments cover a wide variety of security measures designed to meet very specific needs. Although mentioned by only a few respondents, cyber security at agencies that use computer controls for their operations will become increasing more important. Many transit systems are establishing new committees or task forces to bring a greater range of expertise to the security function. Coordination with other government and law enforcement agencies is also being improved and continued investment in and improvement of emergency equipment is necessary to adequately respond to incidents.

Transit Agency Expenditures on Security

In their recent year reported transit agencies spent $740 million for transit security and a total of approximately $1.7 billion from September 11, 2001 through the end of Calendar Year 2003. Over that time period about $1.3 billion was spent for security-related operations and $400 million for security-related capital investments.

Table 4: Transit System Expenditures for Security During Most Recent Year Reported

Sample Group	Security Expenditures During Most Recent Year Reported		
	Operating (Millions of Dollars)	Capital (Millions of Dollars)	Total (Millions of Dollars)
All Transit Systems	$565	$175	$740

Expenditures are estimated for the entire U.S. transit industry by expanding reported amounts by vehicles available for service within each of four groups where transit agencies are stratified by mode and size. Respondents were requested to report only security-related expenditures and to avoid reporting safety related expenditures that do not have a security function.

TRANSIT AGENCY SECURITY NEEDS

Security Funding Shortfalls Since September 11, 2001

To fully fund their security needs, all U.S. transit agencies should have spent an additional $160 million for operating related security expenses and $440 million for security-related capital investments during their most recently reported year. The total shortfall for the September 11, 2001 through Calendar Year 2003 period was about $1.3 billion. Overall an additional $350 million was needed for security-related operating expenditures and $950 million for security-related capital investments during that period. The amounts were calculated by expanding reported amounts based on vehicles available for service.

Table 5: Transit System Expenditure Shortfall for Security
During Most Recent Year Reported

Sample Group	Additional Security Funding That Was Needed During Most Recent Year Reported		
	Operating (Millions of Dollars)	Capital (Millions of Dollars)	Total (Millions of Dollars)
All Transit Systems	$160	$440	$600

Security Funding Needs

A total of $6 billion in security-related funding needs were estimated from survey responses, $5.2 billion in capital needs and $800 million in annual operating needs.

Survey respondents were asked to project "How much additional funding do you need in the long-term to complete your capital program to maintain, modernize, and expand your security function?" Responses were expanded within categories of systems with similar fleet sizes and modal composition and then summed to arrive at national projections. The total projected transit agency security oriented capital needs are $5.2 billion. Types of investments that would be made with these funds are described in detail in the next section, where priorities for security-oriented capital investments reported by survey participants are summarized.

Annual personnel and other operating costs are projected to be $800 million annually. Over the past year transit agencies spent $565 million for security-related activities and found a funding shortfall of $160 million for security activities. The need for further increases in security measures and normal cost growth result in a projected annual need for $800 million in operations related security expenditures. Total needs are shown on Table 6.

Table 6: Transit Security Funding Needs

Category of Funding Need	Long-Term Funding Requirement (Millions of Dollars)
Transit Agency Capital Needs to Maintain, Modernize, and Expand Security Function	$5,200

Annual Security-related Personnel and Other Operating Needs	$800
Total Transit Agency Security Needs	$6,000

Additional security-related funding is needed for federal support of national research and training programs that assist transit agencies in planning and carrying out their security programs. Experience will allow a more detailed assessment of funds needed to carry out these programs. National security activities include:

Technical support for security and emergency preparedness plan development and refinement; technical support for preparedness drills; comprehensive security needs assessments, and infrastructure security plan development.

Research and development for security systems that will enhance detection of chemical, biological, radiological, and physical intrusion threats in public transit environments.

Training for national and regional security workshops and symposiums through government, industry, and partnered initiatives; development and delivery of internal security programs; participation in established security programs external to transit agencies; and inter-agency emergency preparedness drills.

Support for national defense to develop and refine evacuation plans and mobilization of public transit systems for evacuation needs.

TRANSIT AGENCY SECURITY PRIORITIES FOR FEDERAL FUNDING

Survey participants were asked to rate the importance of federal funding for eleven types of operating funding security measure expenditures and eleven types of security-related capital investments. The ratings are "Very Important," "Important," "Somewhat Important," "Not Important," and "Not Applicable." A summary of the ratings for each security measure for all respondents is on Table 7, Part A, and summaries for the four categories of transit agency by size and mode are shown on Tables 7, Parts B through E.

The five operating measures and five capital investments receiving the largest number of "Very Important" responses are listed by transit agency size and mode group as well as for all respondents on Table 8. Where two measures received the same number of "Very Important" responses, the ranking was determined by the number of "Important" responses. The five most frequently selected as "Very Important" security-related operating measures by all respondents are:

- Funding Current Transit Agency/Local Law Enforcement Security Personnel
- Training for Security Personnel Including Preparatory Drills
- Funding Additional Transit Agency/Local Law Enforcement Security Personnel
- Security Training for Other Personnel
- Joint Transit/Law Enforcement Training including Preparatory Drills

The five most frequently selected as "Very Important" security-related capital investments by all respondents are:

- Radio Communications Systems Including Operational Control Redundancy
- Security Cameras On-Board Vehicles
- Controlled Access to Facilities and Secure Areas
- Security Cameras in Stations
- Automated Vehicle Locator Systems

The investments rated most highly were appropriate to the size and type of transit agency. Large multi-modal systems differed from all bus systems by rating Intrusion Detection Devices highly. The very largest systems with rail rights-of-way and tunnel networks, which are not reported as a separate group, also rated federal funding for chemical, biological, and radiation detection devices as very important.

Table 7, Part A: Importance of Federal Funding for Selected Security Measures

All Responding Transit Systems									
Operations Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Funding Current Transit Agency/Local Law Enforcement Security Personnel	59	60.8%	17	17.5%	14	14.4%	7	7.2%	21
Funding Additional Transit Agency/Local Law Enforcement Security Personnel	54	52.9%	28	27.5%	14	13.7%	6	5.9%	15
Funding for Over-Time/Extra Personnel During Heightened Alert Levels	51	50.5%	30	29.7%	13	12.9%	7	6.9%	16
Creation of New Security Units, e.g., K9 Teams	13	14.4%	22	24.4%	38	42.2%	17	18.9%	25
Training for Security Personnel	55	48.7%	43	38.1%	11	9.7%	4	3.5%	6
Security Training for Other Personnel	53	45.7%	46	39.7%	15	12.9%	2	1.7%	3
Security Planning Activities	49	42.6%	51	44.3%	12	10.4%	3	2.6%	3
Joint Transit/Law Enforcement Training	53	45.7%	42	36.2%	19	16.4%	2	1.7%	2
Customer Outreach	36	31.0%	47	40.5%	25	21.6%	8	6.9%	3
Access to Security Intelligence Information	39	34.5%	41	36.3%	25	22.1%	8	7.1%	6
Ongoing Technical Support for Security Plan Development	51	45.1%	46	40.7%	11	9.7%	5	4.4%	4
Capital Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Automated Vehicle Locator Systems	76	67.9%	21	18.8%	13	11.6%	2	1.8%	5
Radio Communications Systems	96	85.7%	12	10.7%	2	1.8%	2	1.8%	5
Passenger-Operator Intercoms	22	21.6%	44	43.1%	24	23.5%	12	11.8%	14
Security Cameras On-Board Vehicles	82	72.6%	23	20.4%	5	4.4%	3	2.7%	4
Security Cameras in Stations	78	75.0%	17	16.3%	7	6.7%	2	1.9%	12
Public Address Systems On-Board Vehicles	46	42.2%	40	36.7%	19	17.4%	4	3.7%	7
Public Address Systems in Stations	42	42.4%	38	38.4%	14	14.1%	5	5.1%	18
Security Fencing Around Facilities	62	54.4%	37	32.5%	12	10.5%	3	2.6%	3
Chemical/Biological/Radiological Detection Devices	21	19.8%	36	34.0%	35	33.0%	14	13.2%	11
Intrusion Detection Devices	48	42.1%	38	33.3%	22	19.3%	6	5.3%	3
Controlled Access to Facilities and Secure Areas	81	71.1%	27	23.7%	5	4.4%	1	0.9%	3

Table 7, Part B: Importance of Federal Funding for Selected Security Measures

Multimodal Systems with Rail or Ferry Boat, Rail Only, and Ferry Boat Only Transit Systems									
Operations Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Funding Current Transit Agency/Local Law Enforcement Security Personnel	19	63.3%	7	23.3%	3	10.0%	1	3.3%	2
Funding Additional Transit Agency/Local Law Enforcement Security Personnel	22	68.8%	7	21.9%	3	9.4%	0	0.0%	0
Funding for Over-Time/Extra Personnel During Heightened Alert Levels	20	66.7%	9	30.0%	1	3.3%	0	0.0%	1
Creation of New Security Units, e.g., K9 Teams	8	26.7%	7	23.3%	14	46.7%	1	3.3%	2
Training for Security Personnel	18	56.3%	14	43.8%	0	0.0%	0	0.0%	0
Security Training for Other Personnel	13	40.6%	16	50.0%	3	9.4%	0	0.0%	0
Security Planning Activities	15	46.9%	13	40.6%	3	9.4%	1	3.1%	0
Joint Transit/Law Enforcement Training	16	50.0%	13	40.6%	3	9.4%	0	0.0%	0
Customer Outreach	12	37.5%	12	37.5%	7	21.9%	1	3.1%	0
Access to Security Intelligence Information	16	50.0%	10	31.3%	5	15.6%	1	3.1%	0
Ongoing Technical Support for Security Plan Development	17	54.8%	10	32.3%	2	6.5%	2	6.5%	0
Capital Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Automated Vehicle Locator Systems	12	40.0%	12	40.0%	5	16.7%	1	3.3%	2
Radio Communications Systems	24	77.4%	5	16.1%	1	3.2%	1	3.2%	0
Passenger-Operator Intercoms	10	32.3%	15	48.4%	4	12.9%	2	6.5%	0
Security Cameras On-Board Vehicles	16	51.6%	10	32.3%	2	6.5%	3	9.7%	1
Security Cameras in Stations	22	71.0%	6	19.4%	3	9.7%	0	0.0%	0
Public Address Systems On-Board Vehicles	13	41.9%	13	41.9%	3	9.7%	2	6.5%	0
Public Address Systems in Stations	16	51.6%	12	38.7%	2	6.5%	1	3.2%	0
Security Fencing Around Facilities	17	54.8%	7	22.6%	6	19.4%	1	3.2%	0
Chemical/Biological/Radiological Detection Devices	10	32.3%	9	29.0%	9	29.0%	3	9.7%	0
Intrusion Detection Devices	19	59.4%	13	40.6%	0	0.0%	0	0.0%	0
Controlled Access to Facilities and Secure Areas	25	78.1%	5	15.6%	2	6.3%	0	0.0%	0

Table 7, Part C: Importance of Federal Funding for Selected Security Measures

Bus and Van Only Transit Systems with 230 or More Vehicles Available for Service									
Operations Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Funding Current Transit Agency/Local Law Enforcement Security Personnel	17	68.0%	2	8.0%	4	16.0%	2	8.0%	2
Funding Additional Transit Agency/Local Law Enforcement Security Personnel	17	70.8%	5	20.8%	2	8.3%	0	0.0%	3
Funding for Over-Time/Extra Personnel During Heightened Alert Levels	14	56.0%	7	28.0%	3	12.0%	1	4.0%	2
Creation of New Security Units, e.g., K9 Teams	2	9.5%	7	33.3%	11	52.4%	1	4.8%	6
Training for Security Personnel	17	60.7%	7	25.0%	4	14.3%	0	0.0%	0
Security Training for Other Personnel	12	42.9%	13	46.4%	2	7.1%	1	3.6%	0
Security Planning Activities	14	51.9%	10	37.0%	3	11.1%	0	0.0%	0
Joint Transit/Law Enforcement Training	14	53.8%	8	30.8%	4	15.4%	0	0.0%	1
Customer Outreach	8	28.6%	12	42.9%	6	21.4%	2	7.1%	0
Access to Security Intelligence Information	13	46.4%	8	28.6%	6	21.4%	1	3.6%	0
Ongoing Technical Support for Security Plan Development	12	44.4%	11	40.7%	4	14.8%	0	0.0%	0
Capital Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Automated Vehicle Locator Systems	22	84.6%	4	15.4%	0	0.0%	0	0.0%	1
Radio Communications Systems	25	96.2%	1	3.8%	0	0.0%	0	0.0%	1
Passenger-Operator Intercoms	3	13.6%	10	45.5%	7	31.8%	2	9.1%	4
Security Cameras On-Board Vehicles	21	77.8%	5	18.5%	1	3.7%	0	0.0%	0
Security Cameras in Stations	18	81.8%	1	4.5%	2	9.1%	1	4.5%	5
Public Address Systems On-Board Vehicles	10	40.0%	10	40.0%	4	16.0%	1	4.0%	2
Public Address Systems in Stations	8	38.1%	5	23.8%	8	38.1%	0	0.0%	6
Security Fencing Around Facilities	15	55.6%	9	33.3%	2	7.4%	1	3.7%	0
Chemical/Biological/Radiological Detection Devices	4	15.4%	8	30.8%	11	42.3%	3	11.5%	1
Intrusion Detection Devices	11	42.3%	7	26.9%	6	23.1%	2	7.7%	0
Controlled Access to Facilities and Secure Areas	19	73.1%	6	23.1%	1	3.8%	0	0.0%	0

Table 7, Part D: Importance of Federal Funding for Selected Security Measures

Bus and Van Only Transit Systems with 85 to 229 Vehicles Available for Service									
Operations Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Funding Current Transit Agency/Local Law Enforcement Security Personnel	19	76.0%	3	12.0%	2	8.0%	1	4.0%	4
Funding Additional Transit Agency/Local Law Enforcement Security Personnel	11	42.3%	8	30.8%	4	15.4%	3	11.5%	3
Funding for Over-Time/Extra Personnel During Heightened Alert Levels	10	40.0%	9	36.0%	4	16.0%	2	8.0%	4
Creation of New Security Units, e.g., K9 Teams	1	4.5%	7	31.8%	7	31.8%	7	31.8%	6
Training for Security Personnel	15	53.6%	11	39.3%	1	3.6%	1	3.6%	1
Security Training for Other Personnel	17	58.6%	7	24.1%	4	13.8%	1	3.4%	0
Security Planning Activites	13	44.8%	12	41.4%	3	10.3%	1	3.4%	0
Joint Transit/Law Enforcement Training	12	41.4%	11	37.9%	5	17.2%	1	3.4%	0
Customer Outreach	10	34.5%	14	48.3%	3	10.3%	2	6.9%	0
Access to Security Intelligence Information	5	17.9%	16	57.1%	6	21.4%	1	3.6%	1
Ongoing Technical Support for Security Plan Development	13	44.8%	14	48.3%	1	3.4%	1	3.4%	0
Capital Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Automated Vehicle Locator Systems	24	85.7%	4	14.3%	0	0.0%	0	0.0%	1
Radio Communications Systems	27	93.1%	2	6.9%	0	0.0%	0	0.0%	0
Passenger-Operator Intercoms	5	19.2%	12	46.2%	6	23.1%	3	11.5%	3
Security Cameras On-Board Vehicles	23	82.1%	4	14.3%	1	3.6%	0	0.0%	1
Security Cameras in Stations	20	83.3%	4	16.7%	0	0.0%	0	0.0%	4
Public Address Systems On-Board Vehicles	12	42.9%	10	35.7%	6	21.4%	0	0.0%	2
Public Address Systems in Stations	9	36.0%	11	44.0%	3	12.0%	2	8.0%	4
Security Fencing Around Facilities	15	51.7%	12	41.4%	2	6.9%	0	0.0%	0
Chemical/Biological/Radiological Detection Devices	2	8.3%	11	45.8%	10	41.7%	1	4.2%	5
Intrusion Detection Devices	7	24.1%	13	44.8%	9	31.0%	0	0.0%	0
Controlled Access to Facilities and Secure Areas	19	67.9%	8	28.6%	1	3.6%	0	0.0%	1

Table 7, Part E: Importance of Federal Funding for Selected Security Measures

Bus and Van Only Transit Systems with Fewer Than 85 Vehicles									
Operations Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Funding Current Transit Agency/Local Law Enforcement Security Personnel	4	23.5%	5	29.4%	5	29.4%	3	17.6%	13
Funding Additional Transit Agency/LocalLaw Enforcement Security Personnel	4	20.0%	8	40.0%	5	25.0%	3	15.0%	9
Funding for Over-Time/Extra Personnel During Heightened Alert Levels	7	33.3%	5	23.8%	5	23.8%	4	19.0%	9
Creation of New Security Units, e.g., K9 Teams	2	11.8%	1	5.9%	6	35.3%	8	47.1%	11
Training for Security Personnel	5	20.0%	11	44.0%	6	24.0%	3	12.0%	5
Security Training for Other Personnel	11	40.7%	10	37.0%	6	22.2%	0	0.0%	3
Security Planning Activities	7	25.9%	16	59.3%	3	11.1%	1	3.7%	3
Joint Transit/Law Enforcement Training	11	37.9%	10	34.5%	7	24.1%	1	3.4%	1
Customer Outreach	6	22.2%	9	33.3%	9	33.3%	3	11.1%	3
Access to Security Intelligence Information	5	20.0%	7	28.0%	8	32.0%	5	20.0%	5
Ongoing Technical Support for Security Plan Development	9	34.6%	11	42.3%	4	15.4%	2	7.7%	4
Capital Funding									
Security Measure or Investment	Very Important		Important		Somewhat Important		Not Important		Not Applicable
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Automated Vehicle Locator Systems	18	64.3%	1	3.6%	8	28.6%	1	3.6%	1
Radio Communications Systems	20	76.9%	4	15.4%	1	3.8%	1	3.8%	4
Passenger-Operator Intercoms	4	17.4%	7	30.4%	7	30.4%	5	21.7%	7
Security Cameras On-Board Vehicles	22	81.5%	4	14.8%	1	3.7%	0	0.0%	2
Security Cameras in Stations	18	66.7%	6	22.3%	2	7.4%	1	3.7%	3
Public Address Systems On-Board Vehicles	11	44.0%	7	28.0%	6	24.0%	1	4.0%	3
Public Address Systems in Stations	9	40.9%	10	45.5%	1	4.5%	2	9.1%	8
Security Fencing Around Facilities	15	55.6%	9	33.3%	2	7.4%	1	3.7%	3
Chemical/Biological/Radiological Detection Devices	5	20.0%	8	32.0%	5	20.0%	7	28.0%	5
Intrusion Detection Devices	11	40.7%	5	18.5%	7	25.9%	4	14.8%	3
Controlled Access to Facilities and Secure Areas	18	64.3%	8	28.6%	1	3.6%	1	3.6%	2

Table 8: Importance of Federal Funding for Selected Security Measures:
Funding Needs Receiving Largest Number of "Very Important" Responses in Rank Order (a)

Ranking	Multimodal Systems with Rail or Ferry Boat, Rail Only, and Ferry Boat Only Transit Systems	Bus and Van Only Transit Systems with 230 or More Vehicles Available for Service	Bus and Van Only Transit Systems with 85 to 229 Vehicles Available for Service	Bus and Van Only Transit Systems with Fewer Than 85 Vehicles	All Responding Transit Systems
Operating Funding					
1st	Funding Additional Transit Agency/Local Law Enforcement Security Personnel	Training for Security Personnel	Funding Current Transit Agency/Local Law Enforcement Security Personnel	Joint Transit/Law Enforcement Training	Funding Current Transit Agency/Local Law Enforcement Security Personnel
2nd	Funding for Over-Time/Extra Personnel During Heightened Alert Levels	Funding Additional Transit Agency/Local Law Enforcement Security Personnel	Security Training for Other Personnel	Security Training for Other Personnel	Training for Security Personnel
3rd	Funding Current Transit Agency/Local Law Enforcement Security Personnel	Funding Current Transit Agency/Local Law Enforcement Security Personnel	Training for Security Personnel	Ongoing Technical Support for Security Plan Development	Funding Additional Transit Agency/Local Law Enforcement Security Personnel
4th	Training for Security Personnel	Security Planning Activities	Ongoing Technical Support for Security Plan Development	Security Planning Activities	Security Training for Other Personnel
5th	Ongoing Technical Support for Security Plan Development	Joint Transit/Law Enforcement Training	Security Planning Activities	Funding for Over-Time/Extra Personnel During Heightened Alert Levels	Joint Transit/Law Enforcement Training
Capital Funding					
1st	Controlled Access to Facilities and Secure Areas	Radio Communications Systems	Radio Communications Systems	Security Cameras On-Board Vehicles	Radio Communications Systems
2nd	Radio Communications Systems	Automated Vehicle Locator Systems	Automated Vehicle Locator Systems	Radio Communications Systems	Security Cameras On-Board Vehicles
3rd	Security Cameras in Stations	Security Cameras On-Board Vehicles	Security Cameras On-Board Vehicles	Controlled Access to Facilities and Secure Areas	Controlled Access to Facilities and Secure Areas
4th	Intrusion Detection Devices	Controlled Access to Facilities and Secure Areas	Security Cameras in Stations	Security Cameras in Stations	Security Cameras in Stations
5th	Security Fencing Around Facilities	Security Cameras in Stations	Controlled Access to Facilities and Secure Areas	Automated Vehicle Locator Systems	Automated Vehicle Locator Systems

(a) Measures receiving the same number of "Very Important" responses are ranked in order of the number of "Important" responses.

CONCLUSION

Since September 11, 2001, public transportation systems have spent $1.7 billion from their own budgets to meet threats brought about by the terrorist attacks on our nation. The April 2004 APTA survey of transit industry security needs demonstrates that to improve security for the tens of millions of Americans who use public transportation, an additional security investment of $6 billion is required: $5.2 billion for capital and other one-time investments and $800 million annually for security-related personnel and other costs.

APTA is communicating the results of this survey to Congress and the Administration and is advocating for significant federal investment in transit security through the U.S. Department of Homeland Security.

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U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways, Transit and Pipelines

Hearing on Transit and Over-the-Road Bus Security

March 29, 2006

Testimony of Peter J. Pantuso
President and Chief Executive Officer
American Bus Association

Introduction

Mr. Chairman and members of the Subcommittee, my name is Peter J. Pantuso and I serve as the President and CEO of the American Bus Association.

First of all, Mr. Chairman please accept my "thanks" and that of the industry I represent for this hearing on transit and over-the-road bus security. The American Bus Association and its members take seriously the duty to provide bus passengers with safe and efficient transportation options at reasonable costs. And for the ABA, "safe" also means, "secure". Your leadership has allowed ABA members to continue to hope that the security of the bus industry will be maintained and strengthened. The ABA looks forward to continuing to work with you to strengthen the security of the nation's private bus transportation system.

American Bus Association

The ABA is the trade association representing the private over-the-road bus industry. While the name "American Bus Association" may connote only transportation, indeed our reach is broader. ABA serves as the voice for almost 1,000 bus and tour operators but it represents 2800 travel members as well. These travel destinations include such icons as the Empire State Building in New York City; Radio City Music Hall; the Smithsonian Institution; other landmarks; the Art Institute of Chicago; and through the National Park Service the Washington Monument. ABA also represents Convention and Visitors Bureaus (CVBs), bus manufacturers and other companies that service the industry.

The ABA has 3800 members engaged in all manner of transportation, travel and tour services. In addition to the services noted above, our members are engaged in commuter services, charter and tour operations, sightseeing and airport shuttle services throughout the nation. The private bus industry transports approximately 774 million passengers each year. That total that exceeds the number of passengers carried by the nation's airlines and rail service combined, secondly to the nation's transit systems. In fact, the bus industry carries more people in two weeks than Amtrak carries in a year. Moreover, ABA members link some 5000 destinations in the United States as opposed to the airlines five hundred destinations and Amtrak's modest number of destinations. Fixed route, intercity buses serve sixteen Canadian and Mexican border crossings with 359 daily schedules and at least as many charter and tour buses cross these borders every day.

The difference between the bus industry on the one hand and the airlines and Amtrak on the other hand is that ABA bus operators are largely, in big cities and rural areas, small businessmen and women -- small business people who operate with little or no subsidy from the federal government to support their day-to-day operations. And while the federal government has, for several years, engaged in a massive effort to protect

the airlines and other mass transportation systems from further attacks, funds to aid the private bus industry in the same effort have been, with one important exception, which I will explain shortly, sorely lacking.

Bus Security

ABA and its members have been assessing the security needs of the bus industry over the last five years. ABA bus operators have told us what they need to aid them in the protection of the industry. First, training is the highest priority. ABA members want to train their personnel, drivers, dispatchers, and mechanics, in the techniques of threat assessment, threat recognition and crisis management. Second, equipment is needed for the operators. Examples of such equipment are cell phones and other communications systems between drivers and "home base" and emergency first responders; driver shields; cameras for bus facilities, staging areas and garages, equipment necessary to provide security "wanding" of bus passengers as well as funds to protect significant bus passenger terminals at destinations such as, the Port Authority Bus Terminal in New York City, bus terminals in Las Vegas, Nevada, Boston, Massachusetts, and Chicago, Illinois. Third, information systems that allows bus operators "real time" information on the status and location of their motorcoaches.

The need for bus security funds extends beyond the requirements of intercity scheduled operators. The spring weather brings to D.C. thousands of chartered motorcoaches bearing students and senior citizens. These tourists blanket the halls of Congress, the Spy Museum and the buildings that make up the Smithsonian Institution. The motorcoaches that bring the tourists are ubiquitous on the streets around the Capitol and the Capitol city. They and the people they carry must be protected, not only in the District of Columbia but wherever charter buses gather in significant numbers.

To do so effectively these charter and tour operators must be allowed to compete for the broadest possible array of security funds to train their personnel, build their communications, secure their infrastructure and equipment and have the ability to provide real time information about their equipment on a moment's notice. In addition, allowing charter and tour bus operators to compete for security grants will help increase the security of bus facilities in the nation's tourist destinations.

Need for Federal Funds

While our list of programs and funds for bus security is on balance fairly small, the need for such federal funds is large. This is because the bus industry for all of its reach and it passenger base receives little public money and as I have stated before, the industry is one of small businessmen and women. Indeed, the average ABA member has eight to ten motorcoaches.

Over the last several years Congress has given the airlines significant funds to increase airline security. One recent analysis advances the theory that the amount of money for airline security amounts to nine dollars per airline passenger trip. That being so, a comparable ratio for the amount of funds provided for bus security is less than one cent per bus passenger trip. Obviously, no one can dispute the need for airline security. However, the private bus industry can and does dispute any idea that such a disparity between transportation modes is justified or sufficient. Moreover, interest in a comprehensive plan for rail security (both Amtrak and transit) increased after the Madrid bombing in 2004. However, a comprehensive look at bus security is still unfinished business.

Currently, the only two federal programs for which private bus operators are eligible to compete are the so-called Section 5311(f) rural transportation fund which provides States with funds to subsidize rural intercity bus transportation and the ADA wheelchair accessibility fund which provides a small amount of money to allow only 10 percent of private bus operators to defray the $40,000 cost of placing a wheelchair lift on a motorcoach.

Congressional Efforts

I mention the $40,000 figure because it points up the necessity for federal security funds. The cost of security training and equipment is more expensive than that for wheelchair lifts. Moreover, security training requires periodic refresher courses. Of course, this committee knows the costs of security. Over the past several years this Committee has worked with the ABA in several attempts to provide the private bus industry with funds for security. In 2002 the Committee reported, and the House approved, HR 3429. The bill provided $99 million in grants to help bus operators improve security. Security improvements that were, and are, necessary in light of the fact that, in the words of Transportation and Infrastructure Committee Chairman Don Young: "during the past 80 years, 50% of international terrorist attacks have occurred on buses or in bus stations." In 2004 this Committee reported HR 5082, which provided funds for bus security in training, equipment and maintaining the security of bus personnel and facilities.

Each of these bills provided funds through the Department of Homeland Security (DHS) and the Department of Transportation to private bus operators for the purposes detailed above. These funds would be distributed pursuant to applications from bus operators. The applications would detail the amount requested, the purposes for the grant and the operational "footprint" of the bus operator and the grantees would be chosen by a competitive process that rated the applicants against one another. Each of these bills offered bus operators the chance to maximize the protection of their buses, personnel, facilities and passengers.

Appropriations Process

While the full Congress has yet to pass a comprehensive bus security bill the efforts just detailed are important because they have shown the way for the nation to improve bus security. The American Bus Association has also worked with the appropriations committees in Congress to secure bus security funds. Since fiscal year 2002 the appropriations committees have approved a total of $55 million for bus security grants. The process by which these funds are awarded has been simple and effective. The Department of Homeland Security (prior to which the Transportation Security Administration (TSA) was in charge) places a notice in the Federal Register that grant monies are available. Eligible bus operators then apply and the DHS determines which operators receive how much of the funds for the year. At this time, ABA and its members are awaiting word from DHS concerning the availability of $10 million appropriated for fiscal year 2006. ABA and its members applaud the House and Senate Appropriations Committees for their approval of these funds.

The last two completed appropriations cycles demonstrate the need for expanded bus security funding. In fiscal years 2004 and 2005, Congress appropriated $10 million per year for intercity bus security. In those two years, DHS awarded $19.6 million in bus security funding to only 77 entities out of 154 eligible applicants who applied for a total of $106.7 million.

Finally, the ABA continues to believe that it is in the best interest of the nation for Congress to cease being reactive in the case of security. For ABA and its members this means that Congress should look at the modes of transportation individually, assess their security needs, regulatory structure and industries and establish security funding on that basis.

The Use of Security Funds

The private bus industry can report that the money appropriated for bus security is being put to good use. A list of the bus operators who were granted funds in FY 2004 and the reasons for their grants is attached to my testimony. In prior years, ABA used grant money to provide security-training materials and an instructional CD to bus operators. ABA began a "train the trainers" program held in cities around the country that was well attended and rated as "excellent" or "very good" by 90% of the program's evaluations.

Particular companies have likewise developed successful initiatives with their grant funds. Greyhound Lines used its grants (and its own money) to increase passenger "wanding" in its larger terminals. Greyhound also developed, and installed on all of its scheduled bus fleet, an on-board communications and GPS system and a driver lateral shield with which Greyhound drivers can fend off attacks. Wisconsin Coach Lines used its grant to purchase screening equipment; e.g., metal detectors and handheld wanding

its grant to purchase screening equipment; e.g., metal detectors and handheld wanding devices. Ready Bus Lines in Minnesota used its grant money to secure its garage, as did Concord Lines in New Hampshire.

C&J Trailways, also in New Hampshire, instituted a program in which all tickets were sold in the passenger's name subject to positive identification. This required however, the addition of staff at company-operated terminals during peak traffic periods. Northwestern Stage Lines in Spokane, Washington used grant funds to train its staff and create an emergency plan for the company. Academy Express in New Jersey and Adirondack Lines in New York began implementing a Global Positioning Satellite (GPS) system, as have several other carriers. The use of GPS allowed Peter Pan Bus Lines to find a stolen bus in very short order. In addition, lighting, fencing and cameras placed in the parking areas of its Providence, Rhode Island station has curtailed auto thefts in the area. Finally, installation of surveillance cameras at its Springfield, Massachusetts's terminal, allowed law enforcement officials to end a pipe bomb scare in the terminal.

Obviously, there is much more to be done. The figures speak for themselves. One half of those companies that applied for security funds in 2004 did not receive any funding. As a consequence, cameras, enhanced communications, increased passenger, personnel and driver security efforts did not take place at half the places such initiatives are needed. We can and must do more.

When I said that the Congressional efforts showed the "way to go" on this issue, it is literally true. ABA is sure that the appropriations committees and the TSA and DHS used the bus security bills considered by this Committee as templates for how the appropriated funds should be distributed and for what purposes. In a very real sense, the bus industry's efforts to improve security owe much to the Committee and its members.

Moreover, the security efforts of ABA members would not have been possible without federal funds. As bus operators are largely small business companies money for efforts to improve security prior to 9/11 were largely non-existent. After 9/11 and before the availability of federal security funds, few bus operators were able to fund such efforts without incurring significantly increased costs. I have noted the efforts of C&J Trailways and Peter Pan Bus Lines in this regard. I could just as easily have mentioned Greyhound Lines, Academy or Jefferson Lines, all of whom have seen their security costs mushroom.

Even with the ABA training program in place the security costs to the bus industry continue to increase. For example, C&J Trailways has expended over one hundred hours each year in employee training related to security. The collective cost for the provision of these services and training exceeds $90,000 on an annualized basis. Prior to 9/11 Greyhound estimates that it was spending approximately five million dollars annually on security, after 9/11 its costs jumped to $10 million dollars annually, even with the grants awarded by DHS Greyhound expects its security costs to continue to grow.

The Future

The security efforts and the costs listed above is testimony to the ongoing need for transportation security funding for the private bus industry. More American Bus Association members speak now of the need for GPS systems, with "real time" information about their buses and personnel. They now discuss the need to update the training materials and the need for more "train the trainer" sessions, in more locations. And they speak of the need for more security equipment in terminals and garages and on buses. They also emphasize the need to expand passenger, baggage, and package express screening and to employ new screening technologies.

The need for more funds for bus security also seems obvious given the huge sums Congress has approved for airline security. It appears that as we seek to "harden" transportation facilities, those who seek to do the United States harm will turn to less secure areas and facilities as targets. The war we face against terrorism will not be won quickly" As that is the case, we all must continue to expand and update the security of our transportation infrastructure and protect those 774 million passengers who ride our buses.

Specifically, ABA supports legislation along the lines of HR 5082, which authorized $50 million per year for three years for intercity bus security. In FY04 and 05, eligible intercity bus applications to DHS averaged more than $50 million per year with less than $10 million per year available to meet those needs. New authorizing legislation along the lines of HR 5082 could lead to higher and more appropriate intercity bus security appropriation in FY07 and beyond.

Conclusion

The American Bus Association looks forward to working with you, Mr. Chairman and the Committee to ensure that our transportation system, which is second to none in safety, reliability and low cost, retains that ranking when "security" is added to that list of duties.

Thank you for you time and I will be happy to answer any questions.

FY 2004 Intercity Bus Security Grant Program
Draft Congressional Notification
Awards in Excess of $1M

August 27, 2004

	Applicant Name	Project Title	City	State	Cong Dist Applicant	Cong Dist Project	Funding Category	Recommended Project Federal Funding	Recommended Award Federal Funding
1	Coach USA, Inc.	GPS System	Paramus	NJ	38	38	Monitoring, Tracking, and Communication Technologies	1,261,400	1,261,400
2	Greyhound Lines, Inc.	Communication Devices	Dallas	TX	32	National	Monitoring, Tracking, and Communication Technologies	1,432,271	1,603,084
	Greyhound Lines, Inc.	Facility Security Enhancements	Dallas	TX	32	National	Facility Security Enhancements	170,813	
3	Trailways Transportation System, Inc. dba Trailways	GPS and Video Systems	Fairfax	VA	11	Multi	Monitoring, Tracking, and Communication Technologies	1,205,101	1,535,111
	Trailways Transportation System, Inc. dba Trailways	Training	Fairfax	VA	11	Multi	Training	330,010	

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Applicant Name	Project Title	City	State	Funding Agency	Federal Funding
CUSA, FL, LLC dba Franciscan Lines	Facility Security Enhancements	San Francisco	CA	Facility Security Enhancements	65,232
Ramblin Express, Inc.	GPS System	Colorado Springs	CO	Monitoring, Tracking, and Communication Technologies	43,484
Post Road Stages, Inc.	Facility Security Enhancements	South Windsor	CT	Facility Security Enhancements	26,200
DATTCO, Inc.	GPS System	New Britain	CT	Monitoring, Tracking, and Communication Technologies	103,486
ABA - UMA Joint Venture	Multiple Projects to Include Security Assessment / Security Plan and Training	Washington	DC	Multi: Security Assessment / Security Plan; Training	920,364
American Coach	GPS System	Miami	FL	Monitoring, Tracking, and Communication Technologies	59,711
American Coach Lines of Jacksonville, Inc.	GPS System and Cameras	Jacksonville	FL	Monitoring, Tracking, and Communication Technologies	23,765
American Coach Lines, Inc.	Training	Lake Worth	FL	Training	25,560
First Class Coach Company, Inc.	Multiple Projects to Include GPS System and Facility Security	St. Petersburg	FL	Tracking, and Communication Technologies; Facility Security Enhancements	68,625
Northwest Iowa Transportation, Inc.	GPS System	Fort Dodge	IA	Monitoring, Tracking, and Communication Technologies	25,682
Excellent Adventures, Inc.	GPS System	Fort Wayne	IN	Monitoring, Tracking, and Communication Technologies	15,292
Sodrel Truck Lines, Inc. Dba Star of America, LLC	GPS System and Cameras	Jeffersonville	IN	Monitoring, Tracking, and Communication Technologies	30,339
Sodrel Truck Lines, Inc. dba The Free Enterprise System, Inc.	GPS and Cameras	Jeffersonville	IN	Monitoring, Tracking, and Communication Technologies	113,436
Hotard Coaches, Inc.	Facility Security Enhancements	New Orleans	LA	Facility Security Enhancements	203,772
M and L Transit Systems, Inc.	Driver Shields	Woburn	MA	Vehicle Security Enhancements	31,674
M and L Transit Systems, Inc.	GPS System and CCTV	Woburn	MA	Monitoring, Tracking, and Communication Technologies	57,363
M and L Transit Systems, Inc.	Access Control	Woburn	MA	Facility Security Enhancements	53,600
Peter Pan Bus Lines, Inc.	Driver Shields	Springfield	MA	Vehicle Security Enhancements	20,250
Peter Pan Bus Lines, Inc.	Video Monitoring System	Springfield	MA	Monitoring, Tracking, and Communication Technologies	382,500

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Applicant Name	Project Title	City	State	Funding Category	Federal Funding
MCT Charter Tours, Inc.	Multiple Projects to Include GPS System, Fencing, and Lighting	Beltsville	MD	Tracking, and Communication Technologies; Facility Security Enhancements; Security Assessment / Security Plan; Training	20,600
First Priority Tours, Inc.	Multiple projects to Include GPS System and Surveillance	Mitchellville	MD	Multi: Monitoring, Tracking and Communication Technologies; Facility Security Enhancements; Security Assessment / Security Plan; and Training.	42,075
Keller Transportation, Inc.	Cellular telephones	Waldorf	MD	Monitoring, Tracking, and Communication Technologies	34,740
Keller Transportation, Inc.	GPS System	Waldorf	MD	Monitoring, Tracking, and Communication Technologies	55,672
Keller Transportation, Inc.	CCTV	Waldorf	MD	Monitoring, Tracking, and Communication Technologies	9,693
Ready Bus Line Company	Monitoring, Tracking, and Communication Technologies	LaCrescent	MN	Monitoring, Tracking, and Communication Technologies	30,935
Ready Bus Line Company	Facility Security Enhancements	LaCrescent	MN	Facility Security Enhancements	18,058
Donna Kay Brooks dba Three Rivers Travel	Driver Shields	Fairdealing	MO	Vehicle Security Enhancements	31,350
Donna Kay Brooks dba Three Rivers Travel	GPS System	Fairdealing	MO	Monitoring, Tracking, and Communication Technologies	8,112
G & L Transit, Inc.	Facility Security Enhancements	Helena	MT	Facility Security Enhancements	21,283
Carolina Coach Company dba Carolina Trailways	Driver Shields	Raleigh	NC	Vehicle Security Enhancements	47,232
Carolina Coach Company dba Carolina Trailways	GPS System	Raleigh	NC	Monitoring, Tracking, and Communication Technologies	28,403
Carolina Coach Company dba Carolina Trailways	Security Cameras	Raleigh	NC	Facility Security Enhancements	26,809
Jalbert Leasing Inc. dba C&J Trailways	Facility security enhancements	Portsmouth	NH	Facility Security Enhancements	84,623
Concord Coach Lines, Inc.	Facility Security	Concord	NH	Facility Security Enhancements	40,508
Starr Transit Company, Inc.	GPS System	Trenton	NJ	Monitoring, Tracking, and Communication Technologies	86,457
Passaic Valley Coach Lines	Monitoring, Tracking, and Communications Equipment	Chatham	NJ	Monitoring, Tracking, and Communication Technologies	26,237

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Applicant Name	Project Title	City	State	Funding Category	Federal Funding
Academy Express, L.L.C.	GPS System	Hoboken	NJ	Monitoring, Tracking, and Communication Technologies	324,475
Academy Express, L.L.C.	Fencing	Hoboken	NJ	Facility Security Enhancements	45,956
Coach USA, Inc.	GPS System	Paramus	NJ	Monitoring, Tracking, and Communication Technologies	1,261,400
CUSA K-TCS, LLC dba K-T Contract Services	Surveillance Equipment	North Las Vegas	NV	Facility Security Enhancements	34,931
Ryan's Express Transportation Services, Inc.	Facility Security Enhancements	North Las Vegas	NV	Facility Security Enhancements	304,915
Hampton Jitney, Inc.	GPS system	Southampton	NY	Monitoring, Tracking, and Communication Technologies	36,050
Sunrise Coach Lines, Inc.	Facility Security Enhancements	Greenport	NY	Facility Security Enhancements	12,041
Schoolman Transportation System, Inc. dba Classic Transportation Group	GPS System	Bohemia	NY	Monitoring, Tracking, and Communication Technologies	25,754
Schoolman Transportation System, Inc. dba Classic Transportation Group	CCTV	Bohemia	NY	Facilities Security Enhancements	22,041
Allen AME Transportation	GPS System and Surveillance	Jamaica	NY	Monitoring, Tracking, and Communication Technologies	20,588
Leprechaun Lines, Inc.	GPS System	Newburgh	NY	Monitoring, Tracking, and Communication Technologies	38,803
Adirondack Transit Lines, Inc.	GPS System	Hurley	NY	Monitoring, Tracking, and Communication Technologies	70,052
Adirondack Transit Lines, Inc.	Fencing and Lighting	Hurley	NY	Facility Security Enhancements	84,524
Adirondack Transit Lines, Inc.	Security Plan	Hurley	NY	Security Assessment / Security Plan	139,500
Adirondack Transit Lines, Inc.	Training	Hurley	NY	Training	14,913
Adirondack Transit Lines, Inc.	Bus ID System	Hurley	NY	Vehicle Security Enhancements	5,963
Adirondack Transit Lines, Inc.	Facility Surveillance	Hurley	NY	Facilities Security Enhancements	24,705
Southern Tier Stages, Inc.	Access Control	Johnson City	NY	Facility Security Enhancements	747
Southern Tier Stages, Inc.	GPS System	Johnson City	NY	Monitoring, Tracking, and Communication Technologies	4,479
Southern Tier Stages, Inc.	CCTV	Johnson City	NY	Monitoring, Tracking, and Communication Technologies	59,439

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Applicant Name	Project Title	City	State	Funding Category	Federal Funding
Carl R. Bieber, Inc.	GPS System	Kutztown	PA	Monitoring, Tracking, and Communication Technologies	138,776
Capitol Bus Company	Surveillance Equipment	Harrisburg	PA	Facility Security Enhancements	13,121
Capitol Bus Company	Bus Security Equipment	Harrisburg	PA	Vehicle Security Enhancements	118,955
MGR Travel, Ltd. Dba Elite Coach	GPS System	Ephrata	PA	Monitoring, Tracking, and Communication Technologies	33,759
A.C. Coach Operations, Inc.	Fencing and Surveillance	Greenville	PA	Facility Security Enhancements	16,295
CUSA AT LLC dba Americoach Tours	Fencing and Surveillance	Memphis	TN	Facility Security Enhancements	19,773
Central Texas Trails, Inc.	Fencing and Surveillance	Waco	TX	Tracking, and Communication Technologies; Facility Security Enhancements	29,415
TNM&O Coaches, Inc.	Driver Shields	Lubbock	TX	Vehicle Security Enhancements	78,309
TNM&O Coaches, Inc.	Facility Security Enhancements	Lubbock	TX	Facility Security Enhancements	73,479
TNM&O Coaches, Inc.	Cameras	Lubbock	TX	Monitoring, Tracking, and Communication Technologies	45,079
City of McAllen	Facility Security	McAllen	TX	Facility Security Enhancements	36,850
Cowtown Bus Charters, Inc.	Communications and Location System	Fort Worth	TX	Monitoring, Tracking, and Communication Technologies	18,208 *
Valley Transit Company, Inc.	Driver Shields	Harlingen	TX	Vehicle Security Enhancements	236,529
Greyhound Lines, Inc.	Communication Devices	Dallas	TX	Monitoring, Tracking, and Communication Technologies	1,432,271
Greyhound Lines, Inc.	Facility Security Enhancements	Dallas	TX	Facility Security Enhancements	170,813
Cougar Bus Lines, Ltd.	GPS System	Laredo	TX	Monitoring, Tracking, and Communication Technologies	10,500
James River Bus Lines	GPS system	Richmond	VA	Monitoring, Tracking, and Communication Technologies	83,094
Trailways Transportation System, Inc. dba Trailways	GPS and Video Systems	Fairfax	VA	Monitoring, Tracking, and Communication Technologies	1,205,101
Trailways Transportation System, Inc. dba Trailways	Training	Fairfax	VA	Training	330,010

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Vermont Transit Company, Inc.	Driver Shields	Burlington	VT	Vehicle Security Enhancements	13,605
Vermont Transit Company, Inc.	Lighting and Cameras	Burlington	VT	Facility Security Enhancements	93,302
Vermont Transit Company, Inc.	On-Board Communication Units	Burlington	VT	Monitoring, Tracking, and Communication Technologies	14,264
Evergreen Trails, Inc.	GPS System	Seattle	WA	Monitoring, Tracking, and Communication Technologies	212,139
Northwest Motorcoach Association	GPS System	Snohomish	WA	Monitoring, Tracking, and Communication Technologies	61,955
					395,265

STATEMENT OF

MICHAEL SIANO
INTERNATIONAL EXECUTIVE VICE PRESIDENT
AMALGAMATED TRANSIT UNION

BEFORE THE
HIGHWAY, TRANSIT AND PIPELINES SUBCOMMITTEE
OF THE HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

ON
TRANSIT AND OVER-THE-ROAD BUS SECURITY

MARCH 29, 2006

Chairman Petri, Ranking Member DeFazio, and Members of the Committee, on behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU) and ATU International President Warren S. George, I want to thank you for giving me the opportunity to testify today on the ATU's priorities and strategies for enhancing transit and over-the-road bus security.

The ATU is the largest labor union representing public transportation employees in the United States and Canada. ATU members are bus, van, subway, and light rail operators, clerks, baggage handlers and maintenance employees in urban transit, over-the-road and school bus industries, as well as paramedical personnel, ambulance operators, clerical personnel, and municipal workers. The safety and security of our nation's public transportation systems is of utmost importance to the leadership and members of the ATU.

Public transportation, by its very nature, is an attractive target for crime and terrorist attacks. It brings masses of people together, is open, highly visible and familiar, and when threatened or attacked, it can disrupt commerce, instill fear and bring an entire region to a grinding halt.

The attacks on London's transit system last year are the perfect example of the crippling effects that such an attack can have on an entire community. When four suicide bombers detonated explosive devices in the London Underground and aboard a double-decker bus, 56 people died and more than 700 people were injured. In addition, the entire City of London was paralyzed for more than a day as citizens were left with no way to or from work, and others, including tourists, steered clear of the city for fear of additional attacks. A separate failed attempt two weeks later similarly stalled normal operations in London and surrounding areas.

And the London attacks are not the first - or even the second - time in recent history that we have seen the devastating effects of an attack on a public transportation system. In 2004 alone, an explosion in a Moscow Metro rail car killed 39 people and wounded 129 others; and a coordinated series of ten explosions aboard four packed commuter trains in Madrid killed 191 people and injured over 1,500 others.

A decade earlier, ongoing bombing campaigns directed at the Paris Metro resulted in hundreds of casualties; and the release of sarin gas in the Tokyo subway system threatened the lives of between 5,000 and 6,000 people, resulting in 12 deaths and marking the first time chemical or biological weapons have been deployed on a large scale by terrorists. In Israel and elsewhere, buses have too often been the unfortunate targets of terrorist bombings.

Faced with this reality, the ATU has for years worked to raise the awareness of our members and employers to this danger and to advance real, concrete solutions and initiatives to enhance the safety and security of the systems operated and maintained by ATU members. We firmly believe that the labor community must be a partner in any comprehensive effort to address the security threats facing our industries. For that reason, we have worked closely with our members, the transit and bus industries, the Federal Transit Administration (FTA), the Transportation Security Administration (TSA) and elected officials at all levels of government.

Shortly after September 11th, the ATU produced and distributed a security training video and pamphlets providing guidance to our members on how to prevent, deter and respond in emergency situations. We also conducted a joint labor-management conference on transit security that was attended by more than 100 transit agency officials and employees from across the U.S. We worked with DOT and industry security experts to develop *Transit Watch*, a nationwide safety and security awareness program that encourages the active participation and vigilance of transit passengers and employees. And we contributed to the design, distribution and promotion of the National Transit Institute's security and emergency response training programs for frontline transit employees.

We have also testified numerous times before Congress on this issue, continuously advocated for increased funding for transit and over-the-road bus security enhancements, and have assisted in developing legislation, including legislation introduced by Members of this Committee, that would enhance transit and over-the-road bus security by requiring the development, adoption and implementation of security plans by transit systems and training for all frontline transit employees.

The transit and over-the-road bus industries themselves have also taken admirable steps toward securing their operations, but - due in large part to funding constraints - they have not gone far enough. The reality is that the industry and the ATU can not do this alone. The federal government must step up to the plate and provide the necessary funding, guidance

and even mandates to provide the level of security that transit and bus passengers and employees deserve.

The federal government has not stepped up to the plate yet. With much of the emphasis on airlines, rail and port security, no sector of our transportation network has been more neglected when it comes to security than transit and over-the-road bus operations. In the transit sector, the deficiency in security funding is staggering. While the industry has estimated the actual need to be $6 billion in order to adequately secure the network, only a sliver of that has already been provided and current budget requests submitted by the Administration are woefully inadequate.

Specifically, DOT's fiscal year 2007 budget request includes only $42.5 million for transit security from DOT's budget; and the DHS budget would require the transit and over-the-road bus industries to share $600 million in grant funding with ports, rail, and the trucking industry - an amount that is insufficient for even one industry, much less five.

In addition to funding, it is the responsibility of the federal government to ensure that certain necessary steps are taken to enhance security.

Common sense tells us that the single most important thing that we can do to increase transit and over-the-road bus security is to provide each and every frontline transit employee - including rail and bus operators, customer service personnel and maintenance employees - with security and emergency preparedness and response training. While we should not abandon research and deployment of new technologies, we need to recognize what has been proven to be the most cost-effective security measure: employee training.

In the event of a terrorist attack within a mass transit system, the response of employees at the scene within the first few minutes is crucial to minimizing the loss of life and to evacuating passengers away from the incident. Transit employees are the first on the scene, even before police, firefighters or emergency medical responders. They must know what to do in order to save the lives of their passengers and themselves.

During the 1995 sarin gas incident in Tokyo, two transit employees unnecessarily lost their lives when they tried to dispose of the agent dispersal device themselves, instead of simply evacuating the scene. Proper training would have prevented these losses and possibly decreased the number of passengers who were exposed to the deadly gas.

Frontline transit and over-the-road bus employees are also crucial in preventing attacks. They are the eyes and ears of the system and are often the first to discover suspicious activities and threats, or the first to receive reports from passengers. These employees need to know how to recognize security threats and need to know the appropriate protocols to follow for reporting and responding to potential threats.

International security experts confirm that employee training is effective and crucial in security efforts. Rafi Ron, former Director of Security at Tel-Aviv Ben-Gurion International Airport told a Senate Committee last year that behavior pattern "techniques implemented by trained security and non-security personnel have proven to be a valuable measure in the detection and prevention of terrorist attacks in public facilities." Ron went on to observe "training provides the skills and confidence not only to law enforcement officers ... but also to employees who are present at every point in the system. No one is in a better position to recognize irregularities on the ground than the people who regularly work there."

The Volpe Center likewise recently concluded that "probably the most significant factor in determining whether a transportation employee makes a helpful or harmful decision during an emergency is training. Trained and alert transportation professionals can make the difference between success and disaster. Characteristics such as acting responsibly to protect the lives of the public; keeping one's cool and keeping passengers calm; contacting emergency assistance authorities quickly and reporting the essential details accurately; working cooperatively as a member (and sometimes a leader) of a team with a common goal - can all be enhanced through proper training."

Officials from both FTA and TSA have also publicly recognized the need for this training, and yet little if anything has been done to ensure that the training is provided. While vague press releases and statements from these federal agencies and the transit industry claim that employees are being trained, this is simply not reality. I know this because I have talked to our members - the ones who are supposedly being trained - and they tell me a different story. They are scared - not because they know there is a threat, but because they feel out of the information loop. They have no idea how to help prevent an incident or what to do if one occurs.

In 2001, shortly after September 11th, the ATU conducted a survey of our members and found that 80% reported that their employer had not provided them with any security training. We conducted a follow-up survey this past fall, and while we are still compiling the results, the preliminary results indicate that approximately 60% of ATU members working for transit systems in the U.S. remain untrained in emergency preparedness and response. Surprisingly, this number includes employees of transit systems in major cities that are at high risk of terrorist attacks. For security reasons, I will not publicly disclose the names of those systems.

Some transit systems, including most recently WMATA here in D.C., have chosen to train all of their frontline employees, and others are making comprehensive efforts to likewise train their employees. We applaud these systems for their commitment to security. Unfortunately, they are not the majority in the industry.

In many cases, workers receive at most a piece of paper asking them to be "vigilant" and to

be aware of suspicions persons or packages. Other workers have watched a short 10 - 15 minute video. These materials do nothing to prepare a worker for a real security incident.

In testimony before this Subcommittee last summer, Chris Kozub, Associate Director of Safety and Security at the National Transit Institute (NTI), stated that "a large number of frontline transit employees in this country still lack proper training and preparedness for preventing and/or responding to incidents." In fact, according to Kozub's testimony, NTI's training program - which is considered to be the leading security training program in the transit industry - has only been provided to approximately twenty percent of the transit industry's total workforce. It is significant to point out that the NTI security training programs are available to transit agencies free-of-charge.

Unfortunately, the availability of a free training program and overwhelming evidence of the need for training has not been sufficient to convince many transit agencies to provide the necessary training. Transit systems continue to resist calls for training because of the operating cost to pay employees and to keep the buses and trains running during training sessions.

It is time for the federal government to step in and to not only provide funding for the operating costs associated with training, but to also require all transit systems to train each and every frontline transit employee. It is the role of the federal government to ensure that this happens. Leaving it exclusively to industry is, as experience dictates, not sufficient.

The leadership of this Subcommittee and the Transportation and Infrastructure Committee as a whole recognized the need for such action in the last Session when you reported out H.R. 5082 - a bill that would have authorized significant funding for both transit and over-the-road bus security and would have required transit systems to provide training to frontline employees as a condition of receiving such funding. The ATU supported this bill last Session and we encourage the committee to once again move similar legislation as soon as possible.

We need to take action now to address the security needs of the transit and over-the-road bus industries - and most importantly to train the workers in these industries. Doing so now will save lives.

I thank you again for the opportunity to testify today on behalf of the ATU. I can not stress enough how important it is to include the input of transportation labor in this discussion. It is our members who are on the front lines of this battle and who know best what dangers they face everyday on the job. I appreciate your recognition of this fact and look forward to working with you to address the important issues raised here today.

I would be happy to answer any questions you may have.

Statement of the
NATIONAL SCHOOL TRANSPORTATION ASSOCIATION
NATIONAL ASSOCIATION FOR PUPIL TRANSPORTATION
NATIONAL ASSOCIATION OF STATE DIRECTORS OF PUPIL TRANSPORTATION SERVICES
for the record of the
U. S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways, Transit, and Pipelines
Hearing on Public Transportation Security
March 29, 2006

The three national associations representing the school transportation industry, NSTA, NAPT, and NASDPTS, appreciate the opportunity to enter remarks into the record of the subcommittee's hearing on public transportation security. We commend the Committee for their interest in expanding funding for security beyond the airlines and Amtrak, but are concerned that the largest mass transportation fleet in the country has been overlooked.

Each weekday more than 450,000 yellow school buses travel the nation's roads. Our fleet is 2.5 times the size of all other forms of mass transportation—transit, intercity buses, commercial airlines and rail—combined. During the school year we make more than 50 million passenger trips daily carrying the country's most vulnerable passengers—our children. Our exposure is far greater than public transportation's at 32 million trips daily, yet the school bus industry has received little attention and no funding at all from the Federal government.

School Buses and Terrorism

School buses have been targets of terrorists not only in countries such as Israel, Thailand, Yemen, and African countries, but also in Canada and the United States. So far, the attacks in this country have been domestic, but they illustrate the concerns of the industry—and indeed of the country.

- The most notorious case occurred 30 years ago when a gang of armed men hijacked a school bus in California, taking 26 children hostage. The men forced the children and their driver into a buried van and kept them underground for 16 hours, demanding $5 million ransom.

- In 1995, a man claiming to have a bomb hijacked a school bus with eleven special needs children in Miami. Police killed the hijacker, who turned out to be unarmed.

- In 1996, a 15-year-old boy commandeered a school bus in Salt Lake City and killed the driver. He later killed himself after crashing into a home.

- In January 2002, a school bus driver in Pennsylvania abandoned his regular route and took thirteen children on an unauthorized trip to Washington DC. The driver, armed with a rifle, eluded attempts to find the bus for six hours. Despite a massive search by police, the bus wasn't found until the hijacker turned himself in.

- Just this past January, an armed man hijacked a school bus in Los Angeles County, California, forcing the driver at gunpoint to drive 200 miles before the driver outwitted him and escaped.

The Committee knows that buses are a common target of terrorists worldwide. Buses carrying children are particularly popular targets, for there is little that human beings fear more than a threat to their children. Despite the potential for devastating results if terrorists were systematically to target school buses in this country, the Federal government has not included school transportation in its efforts to provide a secure public transportation system.

School Buses and Security

Like public transit, school buses operate in an open environment. Routes are routinely published at the beginning of the school year and rarely change during the year. School buses make the same stops at the same time every day, making it very easy for anyone to intercept a bus. School bus stops are unprotected, and usually unattended by an adult.

School buses, by state law, cannot be locked when students are on board; therefore they are vulnerable to penetration by outsiders. School bus drivers have no shield, compartment, or other protection; since they, unlike public transit or intercity bus drivers, are responsible for their passengers, they cannot be isolated from them.

School bus operations vary greatly in their sophistication and their facilities, but the majority operate from unprotected bus yards, where prior to 9/11, the biggest concern was vandalism. The number of bus fleets that are grounded during the year by vandals indicates how vulnerable the industry is to terrorists.

In many communities across the country, school buses are the only form of mass transportation available for evacuation of large populations. Security of the school transportation system is important not only to protect the students who ride buses daily, but also to ensure that we are ready and able to respond to critical incidents elsewhere in our communities. Many fleets participate in emergency planning with local government

for everything from police responses to nuclear plant evacuation planning. School buses from New York, New Jersey, and Connecticut played an important role in both evacuating people from the impact area in Manhattan on 9/11 and transporting critical workers into the area during the search and recovery period. This is part of a long tradition of service in times of disaster, whether natural or manmade.

Officials in New Orleans have been criticized for not incorporating the school bus fleet into their emergency plans prior to and during Hurricane Katrina. Buses that could have been used to transport residents to safety were instead trapped under water. We all are aware of the consequences in that instance of the failure to recognize the importance of the local school bus fleet.

In the fall of 2002, NSTA conducted a survey to gauge how the industry had responded to the events of 9/11/2001. The results showed that the primary response of the members, private companies who provide school transportation under contract to public school districts, was to increase training for drivers in security awareness. Ninety percent reported two-way radio communications in their fleets, and about half have video cameras in some buses. But nearly all said there was no funding available for capital investments such as fencing and lighting for bus yards or sophisticated tracking equipment for buses.

In the past four years, our three associations have worked with the Transportation Security Administration in trying to determine the security needs of the school bus industry. In 2003, NSTA published "The top 25 Security Action Items for School Bus Operations"; more recently, NAPT developed a security assessment tool as a guide for school bus operators to improve their operations. We collaborated with TSA on a brochure for school bus drivers, and all three associations have posted security information on our websites. In addition, many of our members attended security forums at their own expense, and most are involved in their local emergency response planning activities.

Recently, the American Trucking Associations and the three national school bus associations collaborated to develop "School Bus Watch," a training program derived from "Highway Watch." In addition, we have been working with Consolidated Safety Services, Inc. on a security awareness and training program funded by TSA, which is currently in the testing stage. While these programs provide welcome training to school transportation personnel, our industry still lags behind all other modes in asset protection. A few school districts scattered across the country have introduced GPS systems into their school buses, and some are upgrading communications. But as yet there is no consistent, coordinated effort to ensure the security of the nation's school transportation system.

School Buses and Funding

School transportation is funded almost entirely by state and local government. The Federal government provides no funding source for routine home-to-school

transportation or school activity transportation. (In fiscal year 2003, the first federal funds became available for school buses when the Environmental Protection Agency provided $5 million for grants to reduce diesel emissions as part of their Clean School Bus USA program.)

As state governments are decreasing expenditures, a larger burden falls on municipalities to support school transportation. Some school districts have turned to parents to pay part of the cost of busing their children, and some have wrestled with the possibility of discontinuing school bus transportation entirely—knowing that such a move would not only present a hardship for many families and increase traffic and pollution around schools, but more importantly, would put students at much greater risk as they find less safe ways to get to school.

In this economic climate, finding the means to make significant security improvements to school transportation systems is difficult if not impossible.

Congress acknowledged the importance of school transportation in the U.S.A. Patriot Act, by specifically including school buses in the definition of mass transportation. But even though all other forms of mass transportation—airlines, rail, transit and intercity buses—have received some Federal funding for security improvements, school transportation has received none.

This industry specializes in training. Driver training in particular is one of the highest priorities of every school bus operator, public or private. This emphasis on training is one of the reasons we continue to be the safest form of ground transportation. Our response to the need for greater security reflects that priority: we do what we know best. We develop training programs, we include security awareness and response in our regular safety classes, we work with law enforcement personnel to find effective ways to present the information. And we do it within current budgets, using the carriers' own funds.

But if we are to make significant improvements in school transportation security, we must go beyond training to capitol investments in facilities and equipment. Some of the priorities of the industry are:

Professional security-vulnerability assessments
Fencing, lockable gates, and lighting to secure bus facilities
Video monitoring systems for buses, bus yards, and bus stops
Communications equipment for small and rural school bus systems
Vehicle locator systems
FBI background checks for employees

In addition, TSA has invited the school bus industry to participate in ISAC (Information Sharing and Analysis Center), believing that it would benefit the industry and TSA. We cannot finance an expense of that size on our own; like APTA, we would need a Federal grant to establish an ISAC presence.

These are needs that neither school bus operators nor local boards of education can fund alone. If we are to provide security for the 25 million children transported on school buses daily, we must have help from the Federal government. As Mr. Luner testified before the Committee in 2004, "Without consistent application of reasonable and prudent security measures across modes, we risk creating weak links that may drive terrorism from one mode to another." The airline industry has received $18 billion for security enhancements; Amtrak has received $5.7 billion; the transit industry has received $250 million; and the intercity bus industry has received $50 million. The school transportation industry—providing over 10 billion passenger trips a year—has received nothing. We urge the Committee to ensure that the largest public transportation system in the country, the one that transports our children, is at least as secure as other ground transportation modes.

We look forward to working with the Committee in its continued efforts to provide all Americans with a safe, secure transportation environment.

Submitted March 29, 2006

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