

TESTIMONY OF
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AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

ON

THE 9/11 COMMISSION RECOMMENDATIONS

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SUBMITTED BY

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APTA is a nonprofit international association of over 1,500 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 testify on the security information and other security related needs of the public transportation industry. We commend the House Committee on Government Reform for holding this hearing today on the 9/11 Commission Report and Recommendations.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of over 1,500 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 member systems.

PUBLIC TRANSPORTATION SECURITY

Mr. Chairman, America's public transportation services are by design and necessity an open environment. Over 9 billion transit trips are taken annually on all modes of transit service. People use public transportation vehicles over 32 million times each weekday. This is more than sixteen times the number of daily travelers aboard the nation's domestic airlines and over 450 times the number used by Amtrak intercity services. The vast numbers of Americans using public transportation each and every day create ongoing challenges for enhancing security within our transit environments.

In addition, transit employees are on the front line in our nation's effort against terrorism. Public transit is, in fact, a first responder. They are the first responder evacuation teams who will assist in getting the public out of critical incident areas and our cities in the event of a terrorist attack. This was evident on September 11, 2001, when public transportation in New York City, New Jersey and Washington, D.C. helped safely evacuate citizens from center cities. Indeed, this same story was true around the country as transit systems quickly and efficiently evacuated people from closed airports and downtown areas. We remember that the interstate highway program was begun by President Eisenhower as a national defense interstate highway program. It is clear now that public transportation, too, has a significant national defense component and is a fundamental element in responding to community disasters and emergencies.

In that connection, APTA is honored to play a critical role in transportation security and works closely with a number of federal agencies in this regard, notably the Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA) of the U.S. Department of Transportation, and the Transportation Security Administration (TSA), the Office of Domestic Preparedness (ODP), and the Directorate of Information Analysis & Infrastructure Protection of the U.S. Department of Homeland Security. At

the program level, APTA works closely with the FTA and FRA to administer an industry audit program that oversees a system safety and security management plan for transit systems around the country. Our safety audit program for commuter rail, bus, and rail transit operations has been in place for many years and includes elements specific to security planning and emergency preparedness. In connection with Presidential Decision Directive Number 63, we are pleased to have been designated a Public Transportation Sector Coordinator by the Department of Transportation, and we have established a Transit Information Sharing Analysis Center (ISAC) that provides a secure two-way reporting and analysis structure for the transmission of critical alerts and advisories to transit agencies around the country.

Since the events of 9/11, state and local public transit agencies, like all state and local entities, have spent significant sums on police overtime, enhanced planning and training exercises, and capital improvements related to security. In response to a 2004 APTA survey, transit agencies around the country have identified in excess of \$6 billion in transit security needs. These include both immediate capital investments and recurring operating expenses related to security.

BACKGROUND

Mr. Chairman, prior to and following September 11, 2001—the date of the most devastating terrorist attack in U.S. history—APTA has played a key role in addressing the safety and security issues of our country. American public transportation agencies have also taken significant measures to enhance their security and emergency preparedness efforts to adjust to society’s new state of concern. Although agencies had a wide range of security initiatives in place at the time of the World Trade Center and Pentagon attacks and already had developed emergency response plans, the September 11 incidents focused, strengthened and prioritized security efforts throughout the industry.

Transit agencies have had a solid safety record and have been working for many years to enhance their system security and employee security training, partly responding to government standards, APTA guidelines, and by learning through the attacks on transit agencies abroad. For example, the 1995 sarin gas attack in the Tokyo subway system caused U.S. transit properties managing tunnels and underground transit stations to go on high alert. The San Francisco Bay Area Rapid Transit District, for instance, responded to the possible threat of chemical weapons attacks by sending a police team to Fort McClellan, Alabama, to learn response tactics from U.S. Army chemical weapons experts.

In the months following the September 11 terrorist attacks, transit agencies of all sizes worked to identify where they might be vulnerable to attacks and increased their security expenses for both operations and capital costs. The agencies subsequently upgraded and strengthened their emergency response and security plans and procedures, taking steps to protect transit infrastructure and patrons and increase transit security presence while giving riders a sense of security.

Some initiatives around the country include:

- Increased surveillance via closed circuit TV.
- Increased training for employees.
- Hired more police, K-9 units added.
- Chemical detection systems being tested.
- Infrastructure design to eliminate hiding places.
- Drills are routinely held with first responders.
- Encouraging riders to be vigilant for suspicious activities or items.

After September 11, many transit organizations worked to prevent unauthorized entry into transit facilities. The need for employees and passengers to stay alert and report suspicious occurrences became a key goal of many agencies. All transit system buses and trains are equipped with two-way radio communication systems that are connected to their respective operations control centers. Many transit systems have been in the costly process of upgrading these systems to ensure their reliability. While many transit agencies are more secure than prior to September 11, more needs to be done.

Since the attacks, APTA and the FTA have emphasized the need for effective transit security and emergency preparedness. FTA has sent security resource toolkits to transit agencies; completed security-vulnerability assessments of the nation's largest transit systems; and provided technical support and grants of up to \$50,000 to fund agency emergency drills.

FTA continues to provide emergency preparedness and security forums nationwide. In emphasizing the importance of enhancing transit security, FTA Administrator Jennifer L. Dorn noted that thousands of lives were spared on September 11 in New York City and Washington "because of the quick action of first responders and transit workers."

APTA has launched many additional efforts to further transit industry security and preparedness, collaborating with FTA in developing emergency preparedness forums, and sponsoring and organizing security-related conferences and workshops. Moreover, APTA developed a list of critical safety and security needs faced by the transit industry, which it has provided to the Department of Transportation and the U.S. Congress. Mr. Chairman, I would be pleased to submit this and other data discussed in my testimony for the record.

PUBLIC TRANSPORTATION INFORMATION SHARING ANALYSIS CENTER (ISAC)

Presidential Decision Directive Number 63 authorized and encouraged national critical infrastructures to develop and maintain ISACs as a means of strengthening security and protection against cyber and operations attacks. Public transportation is recognized by the federal government to be one of our nation's critical infrastructures. APTA is pleased to have been designated the Public Transportation Sector Coordinator by the U.S. Department of Transportation, and in that capacity, in January 2003, APTA received a \$1.2 million grant from the Federal Transit Administration to establish and fund a transit ISAC for its initial two years of operation. As the designated Sector Coordinator, APTA serves as the primary contact to organize and bring the public transportation community together to work cooperatively on physical and cyber security issues. Upon receipt of that grant, APTA formalized an agreement with a private company to implement the ISAC and make it available to public transit systems around the country. Unlike many other ISACs that have been established for private industry, the Public Transit ISAC has been created for a public domain.

This ISAC for public transit provides - 24 hours a day, 7 days a week - a secure two-way reporting and analysis structure for the transmission of critical alerts and advisories as well as the collection, analysis and dissemination of security information from transit agencies. It collects, analyzes and distributes critical cyber and physical security information from government and numerous other sources. These sources include law enforcement, government operations centers, the intelligence community, the U.S. military, academia, the International Computer Emergency Response Community and others. Best security practices and plans to eliminate threats, attacks, vulnerabilities and countermeasures are drawn upon to protect the sector's cyber and physical infrastructures. The Public Transit ISAC also provides a critical linkage between the transit industry, the U.S. Department of Homeland Security, the Transportation Security Administration, and the Department of Transportation as well as other sources of security intelligence. In addition, the Public Transit ISAC is connected to the other Sector ISACs as formalized through an agreement with the ISACs Council.

Transit systems are public agencies and rely upon federal, state and local funding. Consequently, the Public Transit ISAC is available without cost to all transit systems. There are currently over 130 transit systems participating in the Public Transit ISAC and these numbers continue to grow. Funding for this ISAC will, however, end by February 2005. We agree with the recent GAO report on ISACs where it identified as a challenge requiring further federal action the funding of ISAC operations and activities. Consequently, as the Department of Homeland Security has been made the federal agency responsible for security, including public transportation security, a request for funding to continue the Public Transit ISAC was submitted to the Department of Homeland Security's Directorate of Information Analysis & Infrastructure Protection in January of this year and we currently await their support to this request. Failure to fund this project on an ongoing basis would mean that public transit systems would be without the very resource that the federal government has encouraged for our nation's critical

infrastructures.

THE 9/11 COMMISSION REPORT: TRANSPORTATION SECURITY

As *The 9/11 Commission Report* notes in its section on Transportation Security, “[a]bout 6,000 agencies provide transit services through buses, subways, ferries, and light-rail service to about 14 million Americans each weekday.” And: “[s]urface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive.” The Report further notes that current federal security efforts do not reflect a forward-looking strategic plan systematically analyzing assets and risks, and recommends that the U.S. government identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort.

We urge that this be done, and are pleased to offer any support we can provide to the Department of Homeland Security and the Department of Transportation in this effort. APTA works closely with a number of federal agencies in this regard, notably the Federal Transit Administration and the Federal Railroad Administration of the U.S. Department of Transportation, and the Transportation Security Administration, the Office of Domestic Preparedness, and the Directorate of Information Analysis & Infrastructure Protection of the U.S. Department of Homeland Security.

Our nation’s transit systems have a direct and cooperative working relationship with DOT’s Federal Transit Administration which allocates federal capital investment quickly to the local level, and we believe this is an excellent model that we would like to see developed over time with the DHS. In that regard, we think it would be very useful for DHS and DOT to develop a Memorandum of Understanding to specify the responsibilities of each agency with respect to public transportation security. DHS clearly is the lead in that regard, but DOT has years of experience in working with local public transportation entities, and DHS should utilize that experience.

OTHER 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. Shortly after the September 11 events, the APTA Executive Committee established a Security Task Force under the leadership of Washington Metro’s CEO, Richard A. White. The APTA Security Task Force has established a security strategic plan that prioritizes direction for our initiatives. Among those initiatives, the Task Force identified the critical need of public transit systems to be able to access and receive security information. That identification led to our actions to develop the Public Transit ISAC.

The APTA Security Task Force also serves as the steering group for determining security projects that are being implemented through over \$2 million in Transit Cooperative Research Project funding through the Transportation Research Board. Through this funding, APTA held four transit security workshop forums for the larger transit systems with potentially greater risk exposure. These workshops provided confidential settings to enable sharing of security practices and applying methodologies to various scenarios. The outcomes from these workshops were made available in a controlled and confidential format to other transit agencies unable to attend the workshops. The workshops were held in New York, San Francisco, Atlanta, and Chicago.

In partnerships with the Transportation Research Board, the APTA Security Task Force has also established two TCRP Panels that identified and initiated specific projects developed to address Preparedness/Detection/Response to Incidents and Prevention and Mitigation. The Security Task Force emphasized the importance for the research projects to be operationally practical.

In addition to the TCRP funded efforts, a generic Checklist for Transit Agency Review for Emergency Response Planning and System Review has been developed by APTA as a resource tool and is available on the APTA website. Also through the direction of the Security Task Force, APTA has reached out to other organizations and international transportation associations to formally engage in sharing information on our respective security programs and directions and to continually work towards raising the bar of safety and security effectiveness.

Within this concept of partnership and outreach, APTA also continues in its ongoing collaboration with the Federal Transit Administration to help in guiding and developing FTA programs. Among these are regional Emergency Preparedness and Security Planning Workshops that are currently being delivered through the Volpe Center and have been provided in numerous regions throughout the U.S. The primary focus of such workshops has been to assist particularly smaller transit systems in building effective emergency response plans with first responders and their regional offices of emergency management. Also within this partnership, APTA has assisted the FTA and the National Transit Institute in the design of a new program “Security Awareness Training for Frontline Employees and Supervisors.” This program is now being provided by NTI to transit agencies throughout the nation.

Collaborative efforts between APTA, FTA, Volpe Center, and the National Transit Institute are also underway to establish a joint website that will specifically gather and disseminate effective transit practices with initial emphasis on safety and security.

SECURITY INVESTMENT NEEDS

Mr. Chairman, since the awful events of 9/11, the transit industry has invested over \$2 billion of its own revenues in enhanced security measures building on the industry's considerable efforts already in place. 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, some of which I discussed earlier in my testimony, including research, best practices, education, information sharing in the industry, surveys and the like. As a result of those efforts we are now at a phase where we know what we can most effectively do in terms of creating a more secure environment for our riders and have accordingly identified critical security investment needs. Without question, the on-going access, availability, and sharing of security information through the ISAC remains a critical need.

Our latest survey of public transportation security identified needs 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 operating 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 needs. Priority examples of operational needs 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 needs 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. To this extent, we are seeking \$2 billion in funding for transit security in the FY 2005 Homeland Security Appropriations bill. Within the \$2 billion in funding, we are seeking \$1.2 billion for capital investments, and an immediate \$800 million in operational expenses.

To date the DHS has allocated some \$115 million for public transportation security through its Office of Domestic Preparedness, and we appreciate this support from the Department. We trust that we can now begin to build on those initial investments and address the \$6 billion in critical needs the transit industry has identified. The Administration's FY 2005 budget, however, does not specifically call for investment in public transportation security. We think it should. Currently ODP grants for transit systems are made available through the states, which means that our transit systems do not have a direct relationship with DHS, and which also means that the process of getting the funds to the local transit systems can be lengthy.

CONCLUSION

Mr. Chairman, in light of our nation's heightened security concerns post 9/11, we believe that increased federal investment in public transportation security by 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. Public transportation clearly requires security funding support through the federal government and the funding support to sustain the Public Transit ISAC. 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 also look forward to a Memorandum of Understanding being finalized between the Department of Homeland Security and the Department of Transportation to delineate security responsibilities between these two federal agencies on the issue of public transportation security. We again thank you and the Committee for allowing us to testify today and your commitment to addressing the security information needs of our nation's critical infrastructures.