

# EXAMINING THE STATE OF TRANSIT SECURITY

---

---

HEARING  
BEFORE THE  
COMMITTEE ON  
BANKING, HOUSING, AND URBAN AFFAIRS  
UNITED STATES SENATE  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION  
ON  
EXAMINING THE STATE OF TRANSIT SECURITY

JANUARY 18, 2007

---

Printed for the use of the Committee on Banking, Housing, and Urban Affairs



Available at: <http://www.access.gpo.gov/congress/senate/senate05sh.html>

U.S. GOVERNMENT PRINTING OFFICE

48-325 PDF

WASHINGTON : 2009

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

CHRISTOPHER J. DODD, Connecticut, *Chairman*

TIM JOHNSON, South Dakota	RICHARD C. SHELBY, Alabama
JACK REED, Rhode Island	ROBERT F. BENNETT, Utah
CHARLES E. SCHUMER, New York	WAYNE ALLARD, Colorado
EVAN BAYH, Indiana	MICHAEL B. ENZI, Wyoming
THOMAS R. CARPER, Delaware	CHUCK HAGEL, Nebraska
ROBERT MENENDEZ, New Jersey	JIM BUNNING, Kentucky
DANIEL K. AKAKA, Hawaii	MIKE CRAPO, Idaho
SHERROD BROWN, Ohio	JOHN E. SUNUNU, New Hampshire
ROBERT P. CASEY, Pennsylvania	ELIZABETH DOLE, North Carolina
JON TESTER, Montana	MEL MARTINEZ, Florida

SHAWN MAHER, *Staff Director*

WILLIAM D. DUHNKE, *Republican Staff Director and Counsel*

AARON KLEIN, *Democratic Chief Economist*

SHERRY E. LITTLE, *Republican Senior Professional Staff Member*

JOSEPH R. KOLINSKI, *Chief Clerk and Computer Systems Administrator*

GEORGE WHITTLE, *Editor*

# C O N T E N T S

THURSDAY, JANUARY 18, 2007

	Page
Opening statement of Chairman Dodd .....	1
Opening statements, comments, or prepared statements of:	
Senator Shelby .....	3
Senator Bennett .....	7
Senator Reed .....	7
Senator Allard .....	8
Prepared statement .....	31

## WITNESSES

Hon. Dannel P. Malloy, Mayor, Stamford, CT, and Trustee, The U.S. Conference of Mayors .....	10
Prepared statement .....	31
William W. Millar, President, American Public Transportation Association .....	11
Prepared statement .....	45
Warren S. George, International President, Amalgamated Transit Union .....	13
Prepared statement .....	49
Aurelio Rojo Garrido, Operational Director, Metro Madrid, and Secretary General, Association of Latin American Metros and Subways (ALAMYS) .....	15
Prepared statement .....	53
Tim O'Toole, Managing Director, London Underground, Transport for London, England .....	17
Prepared statement .....	53



## EXAMINING THE STATE OF TRANSIT SECURITY

---

THURSDAY, JANUARY 18, 2007

U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:02 a.m., in room SD-538, Dirksen Senate Office Building, Senator Christopher J. Dodd (Chairman of the Committee) presiding.

### OPENING STATEMENT OF CHAIRMAN DODD

Chairman DODD. The Committee will come to order. Welcome to the Banking Committee. I want to thank all of you for being here at the inaugural meeting of the Committee on Banking, Housing, and Urban Affairs for the 110th Congress. I am very pleased this morning to address this Committee as Chairman. It has been a long time. I must say I was beginning to wonder if this day would ever arrive. My wife reminded me the other day that at age 62 I am the average age of a U.S. Senator. That is the good news.

Senator SHELBY. Younger.

Chairman DODD. Younger. Thank you.

[Laughter.]

Chairman DODD. But I have been on this Committee for awhile. When I first arrived in the U.S. Senate back in January 1981, I was assigned to this Committee and sat in the chair where Bob Casey is sitting today. And it has taken a quarter of a century to move along these chairs here one at a time. So I am delighted to be here this morning in this capacity.

Of the three major committees on which I serve, I had the pleasure to serve behind Senator Kennedy on the Health, Education, Labor, and Pensions Committee. I still sit in that chair next to him. Senator Biden on the Foreign Relations Committee, I still sit next to Senator Biden after 25 years, and I sat behind Senator Sarbanes as well. Little did I know when I joined the Senate a quarter of a century ago that each of these men would have the Constitution of a bull. And so they have been here for many, many years and made me wait a quarter of a century to assume this Committee chairmanship.

Let me say a few words, if I can, of a general nature. Then we will proceed to the business at hand this morning.

First I want to acknowledge my friend and colleague from Alabama, former Chairman Dick Shelby, with whom I have a long-standing and very sound and wonderful relationship. A couple of days after the November elections, Senator Shelby and I had

breakfast together. At that point we still did not know for certain which of our two parties would hold a majority in the U.S. Senate. But we both agreed that whatever the outcome, we would work together as we have over the years to find common ground on this Committee, to advance issues of mutual concern.

That was not a difficult agreement to reach, I would tell you. Senator Shelby's leadership of this Committee has been marked, in my opinion, first by a commitment to address the critical issues of the day, which he did in a stellar fashion; and, second, to work in a bipartisan fashion. Some people speak that language rather readily. Dick Shelby has demonstrated over and over and over again his understanding of how important these relationships are in terms of advancing the issues the American people want us to confront.

It is my intention and hope that those two characteristics will continue to be identified with the leadership of this Committee. As I have said previously, it is my intention to focus this Committee's attention on two fundamental objectives: first, strengthening our Nation's ability to keep our people and businesses as secure as possible against the risk of attack from those who wish us ill; and, second, expanding prosperity for businesses and consumers throughout our Nation.

I am deeply troubled by what has happened in our economy over the past several years. Men and women are working much harder. They are paying more for the essentials of a financially stable and secure life. And many are actually falling behind, as many of us know. Due to no fault of their own, these people have become trapped in a downward spiral of debt from which they have little chance of escape. Others are victims of unscrupulous lending practices that have stripped them of their equity and sometimes their entire homes.

In addition, vast numbers of small and medium-sized businesses struggle to compete in a global marketplace, where our national leadership is doing little, if anything, to ensure that the competitive playing field is as level as possible.

Some of our fellow citizens are doing very well in this economy, but most are struggling, struggling very hard every single day. It is my intention—and I hope the Committee's intention—to make their cause the work of this Committee. On that, I am confident that we can find common ground as Senators and as Americans.

In addition, I would like to pay a tribute to our former colleague, Paul Sarbanes. Paul is an extraordinary public servant. He certainly set a very high standard for me and others by his thoughtfulness and dedication to the public interest of our Nation. And just as I am committed to carrying on the qualities of leadership shown by Senator Shelby, so, too, am I committed to carrying forward many of the qualities of leadership that characterized the service of Paul Sarbanes of Maryland.

I also want to acknowledge one of our colleagues who is not with us here today, our very good friend and the person I have sat next to on this Committee for many years, Tim Johnson, who has been a wonderful Member of the U.S. Senate. I am sure that I speak for everyone, not only on this side of the dais but also in this room and elsewhere, certainly the people of his State, in wishing him continued progress. And it has been reported to us just in the last 24

hours how much better Tim is doing every single day, involved in a good, strong rehab program, and all of us wish him and his family well. And he will return to his service in the Congress as soon as possible. I look forward to working with him throughout this Congress.

With that, let me recognize my friend and Ranking Member, Senator Shelby, for any opening statement he wants to make, and I want to thank him. Someone came up when I walked in the room and they said, "Look at this room. You have got this redone room. You Democrats are already spending money up here." I quickly pointed out that this was my good friend, this very conservative Republican from Alabama, who spent all this money to get this nice room done.

[Laughter.]

Chairman DODD. And I thank him for his leadership and for turning this Committee room into a modern Committee room where we have the advantages of the technology that will allow us to have very good hearings.

I want to point out, my colleagues may have noted that we have not switched sides here. In the past, when you became the majority, the majority would move over to this side of the table, because in the past too often cameras would gather at one side or the other. I am proud to say to you here that there is no longer any advantage. You all have an equal opportunity to make a fool of yourself with a frontal picture here because of the cameras now stationed in a way here that they are not going to be picking up one side of the room or the other. But again, Dick, I thank you immensely for your leadership and the floor is yours.

#### **OPENING STATEMENT OF SENATOR SHELBY**

Senator SHELBY. Thank you, Senator Dodd. Reluctantly, I will—not really—congratulate you as the Chairman of the Banking Committee.

[Laughter.]

Senator SHELBY. We kid and talk about that. We know elections have consequences. We hope you will not be Chairman too long. You never know.

[Laughter.]

Senator SHELBY. But, in that regard, we are going to continue to work with you—

Senator BENNETT. Is that a prediction about the outcome of the Presidential race?

[Laughter.]

Senator SHELBY. It could be, but we do not know, either way.

Chairman DODD. You could call me "Mr. Secretary."

[Laughter.]

Senator SHELBY. We could, but we are going to hold all that back for a while and see what happens. But I do want to sincerely congratulate you. You have worked on this Committee for many, many years. We have both been here through the thrift crisis and everything that goes with it. But today I want to thank you for holding this hearing.

Transit security has been the focus of the Committee's attention for a number of years here. Since 2001, right here we have held

a number of informative hearings. We have requested and received a GAO report on the matter, and we have twice marked up and reported comprehensive transit security legislation.

Many Members of this Committee on both sides of the aisle have focused a great deal on the issues surrounding transit security. Former Senator Sarbanes and Senators Allard and Reed have been very active on these issues. They were instrumental in making transit security a priority in the Committee and worked diligently to ensure passage on the Senate floor, and I want to thank them again for their efforts.

Past attacks on the transit system of our friends and allies have clearly established the nature and magnitude of the threat to our own transit infrastructure. Throughout our country, 14 million people board trains and buses as a part of their daily routine. I have long believed that we can and we should be doing more to protect them. There are a number of steps that we can take to increase security while preserving the accessibility that we have come to expect in this country.

We need more bomb-sniffing dogs, more closed-caption televisions, more public address systems, and more detection equipment. Yes, we need the capability to share information about potential threats on a real-time basis, and we need additional operational funds to provide training for transit workers. In the past, the funds provided by the Department of Homeland Security have been woefully inadequate, barely scratching the surface of the needs. The Banking Committee's transit security bill would have authorized \$3.5 billion that could go directly to transit agencies responsible for systems deemed to be at risk for potential terrorist attacks.

I applaud Chairman Dodd here today for his early focus on this issue, and I will support his effort to revisit the Committee's legislation.

We have a diverse panel of witnesses before us today. In addition to hearing from industry, a local mayor, and the workforce, we are pleased to welcome representatives from both Madrid and London. They, of course, can speak firsthand about the terrorist attacks in their own countries, as well as share the steps they have taken to prevent future attacks.

I look forward to hearing today's witnesses, and I thank you again for calling this hearing so soon.

Chairman DODD. Thank you very much, Senator Shelby. I should have said at the outset but let me do it here, if I can, I want to— Senator Dan Akaka is with us here and back on the Committee, and I wanted to recognize Dan, who has served on this Committee before and cares deeply about transportation, financial education, and other issues. We have missed you on the Committee, Senator Akaka, and we welcome you back to this Committee and thank you for your service to the Banking Committee.

Senator Sherrod Brown joins us as well, after having served six terms in the House of Representatives, and previously as Ohio Secretary of State. Before politics, he was a professor at Ohio State University. He is not yet here this morning, but I am sure he is coming over. He spent 4 years in Connecticut, I might point out,



at one of our colleges and universities and at Yale, and I am delighted he is a Member of the Committee.

Bob Casey I have already referenced in that last chair over there, Bob, we are thrilled to have you here. You bring some wonderful experience. No stranger whatsoever to financial services questions, and we are going to look to you to make a valuable contribution to the work of this Committee. He served as the Pennsylvania Auditor General, Pennsylvania State Treasurer, an attorney, went to law school here in DC, and so we welcome you to the Committee and look forward to your service.

Jon Tester was President of the Montana State Senate, and previously he was on the Big Sky School Board, in addition to running a farm and a custom butcher shop. We have got some good, practical experience from Jon Tester, who was here at the outset of the hearing and I know has other commitments this morning.

So I thank our new members. Dan, we thank you for coming back, and the Members who I have served with on this Committee, I appreciate your presence here.

Let me, if I can, just make a couple of quick opening comments about the subject matter here and welcome our witnesses this morning, and then we will get right to the testimony.

As Senator Shelby has pointed out, the Committee examines this morning the state of transit security in the United States. We have chosen this topic as the subject of the Committee's first hearing for one overriding reason: because the safety of more than 14 million Americans, as Senator Shelby pointed out, and the prosperity of our Nation is at stake. It is no secret that worldwide terrorists have favored public transit as a target. I would draw your attention, by the way—my staff gave me a few minutes ago a story this morning in Moscow where Russian authorities are sending more police as we gather here into the streets of Moscow. They have ordered the shutting off of all cell phones in their subway system this morning on a very high alert. They are worried about their transit systems. They have been hit by terrorist attacks and so forth. But, again, as we gather here, once again we are finding a major city around the world is being faced with the challenges that Madrid and London and others have been through.

As I said, it is no secret that worldwide terrorists have found public transit as a very attractive target. Transit has been the single most frequent target of terrorism, in fact. In the decade leading up to 2001, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to the Brookings Institution. In 2005, they attacked London's rail system and bus system, which we will be hearing about, killing 52 riders and injuring almost 700 people that day in what has been called "London's bloodiest peacetime attack."

In 2004, the attack on Madrid's Metro system took the lives of 192 people and 1,500 people were injured, and Mr. Garrido from Spain will be talking to us about that experience and what they have gone through.

Previous attacks in Moscow, what I mentioned here today, in Seoul, Korea, and Tokyo, not to mention many Israeli bombings that we have heard about with far too great a frequency, demonstrate that this is, in fact, a global threat. Anyone who believes

that America's transit system is somehow immune from attack need only to consider the experiences that other nations are having and ask why would anyone think that we would be immune from this.

Transit is frequently targeted because it is tremendously important to our Nation's economy. Securing our transit systems and our transportation systems generally is a difficult challenge under any circumstances. Every act to increase security potentially limits the mobility that our citizens cherish and want. Yet the difficulty of the task must not thwart us from completing it. We must make certain that our Nation's leaders are doing everything possible to adequately address the threats posed by terrorism on our public transit systems.

Senator Shelby has been a leader in this effort over the years, and, again, I want to recognize and thank him for his excellent work, along with Senator Sarbanes and others, in making sure that the Banking Committee has been at the forefront frequently in attempts to enhance our Nation's security systems and our transit systems. This issue is a clear example, in my view, of how we can work together on this Committee and in this Congress to achieve the two fundamental objectives of this Committee about which I spoke a moment ago: security and prosperity.

I was proud to work with Senator Shelby, former Senator Sarbanes, Senator Jack Reed, and Senator Allard, who is with us today, and many others, including Senator Schumer, when we crafted transit security legislation, which passed this Committee unanimously in both the previous two Congresses. We have been working on this issue in a bipartisan manner for the last two Congresses and have made considerable progress. Twice we have passed our bill to the full Senate, and once we received a majority vote—53, I would point out—on the Senate floor to fully fund the legislation authored by Senator Shelby and the others I have mentioned. It is my hope that we can continue to work together and finally enact this legislation, working with our colleagues in the House of Representatives and additional committees here in the U.S. Senate.

While this Committee has worked to meet its obligation to the millions of transit riders, the same cannot be said about the Congress as a whole or the current administration, I would point out. The need is clear for enhanced transit security. Since the terrorist attacks of September 11, 2001, the Federal Government has invested nearly \$24 billion in aviation security. None of us are going to fault that investment. But I would point out that protecting the 1.8 million people who fly on average every day, as important as that is, is not investing as much as we should in transit security. In transit security, compared to \$24 billion, we have invested \$386 million in transit security to protect 14 million people who, every day, ride on non-air transit systems around the country—1.8 million, \$24 billion; \$386 million, 14 million. The math is not complicated. We need to be doing a far better job at this, particularly when you are given the statistics I have cited to you earlier.

Put to you another way, since 2001, our Nation has spent over \$7.50 per passenger on aviation security but less than 1 penny per passenger on transit security in this country. I am not suggesting

at all that we ought to be investing equally, but clearly this is not an appropriate balance. I do not think anyone would agree with that. The stakes to our Nation are simply far too high, as, again, the news out of Moscow points out this morning, to ignore the urgent call by Governors, mayors, fire and police chiefs, and others for greater national leadership in this area.

If we are truly serious—truly serious—about keeping our Nation safe from the risks of terrorism, and if we are committed to economic prosperity, then I believe it is imperative that we act to strengthen America's transit networks.

With that, I want to thank again the Members of the Committee here today in recognizing that this first hearing is one that does really address the two ambitions I have for this Committee, that is, prosperity and heightened security for our country.

With that, Senator Shelby, I do not know if you have any additional opening comments you want to make. If not, then let me turn to our witnesses, if I can here, and then we will go to our Members. I want to ask our witnesses—well, do you want to make any opening comments? I will ask my colleagues if they have any opening statements they want to make.

#### **OPENING STATEMENT OF SENATOR BENNETT**

Senator BENNETT. No, thank you, Mr. Chairman. I do want to publicly congratulate you on your elevation to this position and tell you how much we look forward to working with you.

I have ridden transit systems in many countries around the world and recognize how vulnerable they are, so as a cosponsor of the original bill, I am grateful to you for holding the hearings.

Chairman DODD. Thank you.  
Senator Reed.

#### **OPENING STATEMENT OF SENATOR REED**

Senator REED. Well, thank you very much, Mr. Chairman, and let me congratulate you for your new position and commend Senator Shelby for the great leadership he has shown. As he mentioned, he and with many of our colleagues, particularly Senator Allard, have been working very diligently on this issue of transit security, and I see many of the panelists we have had before, and thank you for joining us today.

Senator Dodd mentioned that there is a fear in Moscow, but just this morning CNN is reporting that the Los Angeles Joint Terrorism Task Force is investigating a suspicious spill in their subway system of mercury. An unidentified individual dropped some mercury, and from a surveillance camera, it could be deliberate or accidental. But it also could be a test of their responsiveness. And, frankly, it took 8 hours for the authorities to respond.

So transit security is not a Moscow problem or a Madrid problem. It is a worldwide problem, particularly in the United States, and we have to be cognizant of that. And I think this Committee has acted under the leadership of Senator Shelby and Senator Sarbanes appropriately, but we have yet to bridge the gap. It is a \$6 billion gap between the transit security needs in this country and the resources available. And as Senator Dodd has pointed out, we have done a lot to secure aviation. We have done very little, not

enough to secure transit in this country. And as our friends from Madrid and from London will point out, this is one of the major vulnerabilities in any industrialized country in the world.

I look forward to working with Chairman Dodd, who is my leader in so many things, in a bipartisan way to try to address this issue.

Thank you, Mr. Chairman.

Chairman DODD. Thanks very much.

Senator Allard.

#### OPENING STATEMENT OF SENATOR ALLARD

Senator ALLARD. Well, thank you, Mr. Chairman. I want to congratulate you on your position here on the Committee, and I look forward to working with you. I always felt that you were willing to work in a bipartisan way, and I always enjoyed having an opportunity to work with you whenever that has presented itself.

As you mentioned, I have a real interest in mass transit systems because of working with Senator Reed. I think we have been able to work in a bipartisan way on many pieces of legislation, and we will continue to work on those efforts. So I think it is entirely appropriate that you deal with mass transit system security.

You will have to forgive me, Mr. Chairman, that I have to mention that in Colorado we have a test facility for trains that is unprecedented in the world, and we have been working to get that as part of the Security Consortium for Mass Transit, and we haven't been successful. It is not anything that is in this Committee. With high-speed trains and everything else, it is important to have an open enough and isolated area where you can actually test explosives and these kinds of things, which I think is an important part of developing public transportation systems that are secure. You have to have somewhere you can test them out, and we have that facility in Colorado and are working on it.

So I am very happy that you are emphasizing this as one of your major priorities. I think our Nation needs that leadership, and I am glad to see the Banking Committee step forward on that.

I ask that my full statement be entered into the record.

Chairman DODD. Thanks very much, Senator.

Let me just do some housekeeping measures here. I have read all of your testimony, and it is very excellent testimony. I would ask you if you can to try and keep your testimony down to about 5 to 7 minutes or so. Your full testimony will be part of the record, without any question whatsoever. But in order to get to the question period here, which is also very valuable for Members, I would ask you to keep that in mind. All of the opening statements that my colleagues have here will be included in the record as well, fuller statements they may have on the issue before us here this morning. And I am again very grateful to our witnesses.

I am going to continue the practice that has been the practice of this Committee for some time, and that is to recognize Members in the order in which they arrive in the Committee, with the exception of the Ranking Member, which has been the custom as well here.

Senator SHELBY. Then I had better be on time.

[Laughter.]

Chairman DODD. That is all right. Nonetheless, I think it is a good practice you have. It is frustrating at times, but I just want to announce that ahead of time that we will be continuing the very system that Senator Shelby and, I think, Senator Sarbanes and others have followed over the years.

Let me introduce our panel of witnesses, and we will get right to it here this morning. Again, I thank them for being with us.

I am delighted to introduce as our first witness—and I make no bones about it—a very good friend of mine. He is the mayor of Stamford, CT, and we have known each other a long, long time. He has been an excellent, excellent mayor in Connecticut. He has been the mayor of Stamford the last 12 years and has done a fabulous job. He works on many issues, as all mayors do across our country, but transit issues have been sort of a hallmark of Dan Malloy's service. He lives in and represents a city in that congested corner of our State not far from New York that many are familiar with, the I-95 corridor in there, and mass transit systems, Metro North, Amtrak, and the like. So he really has to struggle and grapple with these issues all the time, and I am very, very grateful to Dan for coming here this morning to talk about this issue on behalf of not only the city of Stamford itself but also the Conference of Mayors that will be gathering next week here in the city and have suggested some ideas on what we might do in this area.

Bill Millar, the President of American Public Transportation Association, has testified before this Committee previously on transit security and is recognized as an expert in these areas, and we thank you very, very much for being with us.

I want to welcome Warren George, again, who is no stranger to these issues, the International President of the Amalgamated Transit Union, founded in 1892, has a longstanding involvement with these important questions. ATU is the largest transit union, representing 180,000 members in 270 locals, spread across 46 States. He brings obviously a tremendous amount of information and talent to this discussion.

We are very pleased to welcome Aurelio Rojo Garrido. I don't get to do this very often, so *bienvenido a nuestro comite*. Yo hablo Espanol fracamento simplacer. That is pretty good. I got to do that once.

[Laughter.]

Chairman DODD. From my days as a Peace Corps volunteer. I am not going to get a break here on this Committee no matter what I do here along the way. But thank you for coming and joining us here this morning. The Secretary General of the Association of Latin American Metros and Subways and the Operational Director of Madrid's Metro system. We are very honored to have you at the Committee.

Last, we are joined by Mr. Tim O'Toole, who is the Managing Director of the Transport for London, which operates London's subway and bus systems, the oldest subway system in the world. Again, we are very grateful to both of you for being a part of this hearing. London and Madrid are Europe's two largest transit systems and have been the targets, as I pointed out earlier, of terrorist attacks over the past 3 years. I hope that we can learn from your tragedy, and we appreciate your coming a great distance to

be before this Committee today, and all of us are deeply grateful to both of you for making the effort.

Mayor Malloy, the floor is yours. We welcome your testimony and thank you for being here.

**STATEMENT OF HON. DANIEL P. MALLOY, MAYOR, STAMFORD, CT, AND TRUSTEE, THE U.S. CONFERENCE OF MAYORS**

Mr. MALLOY. Good morning, Senator Dodd. As a fellow son of Connecticut, I am particularly proud to be here this morning as you ascend to the chairmanship of this Committee, and thank you for the opportunity to be with you.

I would like to single out Ranking Member Shelby and thank him for all of his work with America's mayors on behalf of transit systems and transit security. We greatly appreciate your friendship.

I am Daniel Malloy. I am the mayor of the city of Stamford, CT, and a trustee of the U.S. Conference of Mayors, and I want to certainly thank all of the members for inviting me to participate.

On behalf of the U.S. Conference of Mayors, we appreciate your interest in public transportation security and look forward to working with you as you develop legislation to safeguard America's bus, rail, and ferry systems.

One month after September 11th, the Conference of Mayors called an emergency homeland security summit in Washington, DC, and drafted a sweeping "National Action Plan for Safety and Security in America's Cities." The National Action Plan was updated in October of 2005 with special emphasis on transit security following the attacks in London's Underground Tube system, aboard London's transit buses, and certainly the Madrid strike as well.

In addition, my comments originate from the conference's "Strong Cities, Strong Families for a Strong America 10-Point Plan" which will be presented next week at the U.S. Conference of Mayors 75th Winter Meeting.

We must strengthen our partnership with the Federal Government to make sure that our first preventers and first responders have the resources and training they need to succeed and that all necessary Federal support is ready in the event of an event that might attack us.

As the American Public Transportation Association's survey identified, Congress has allocated—and as Senator Dodd mentioned—only \$386 million to transit security through fiscal year 2006, yet transit agencies have identified in excess of \$6 billion in transit security investment needs.

For Stamford, securing these wide open and vulnerable systems is a priority—a priority on which I spend a great deal of time and a great deal of worry. As part of the New York metropolitan area, Stamford is a major transportation hub for the communities in Connecticut and is located on one of the busiest stretches of public transportation in the Nation.

We believe that any public transportation security legislation should be guided by four principles:

First, the establishment of a flexible Federal transit security grant program.

Second, as we have done with aviation, securing public transit is a Federal responsibility and should not require a local or State match.

Third, transit security funds should go directly to the transit authority or the jurisdiction providing security. We must continue to make improvements in the grant application process and delivery mechanism for Federal Homeland Security resources to make sure that the funding quickly reaches the transit system's first responders.

Since the early days after September 11, 2001, mayors have expressed serious concern with a State-based system for coordinating preparedness and responses to acts of terrorism.

Many mayors have positive working relationships with State and Federal partners, but there was a real concern from the beginning that a complex, Federal distribution system which involved various approval levels for first responder resources and training would be slow and result in serious delays in funding reaching the high-threat, high-risk populations and infrastructures, including mass transit.

Fourth, there should be a robust funding source for transit-related security research and development technology.

I know that our Nation has made significant progress on increasing homeland security since September 11th and that our Federal-local partnership is much stronger today, with more resources, better information sharing, and a greater level of general communication. But I fervently hope that the tragic attacks in India, the United Kingdom, Spain, and, as was referenced today, Moscow serve as a reminder that we must not settle for "good enough." These and other attacks dramatically highlight the vulnerability of mass transit worldwide to terrorism and the need for an increased focus by the Federal Government on security for these systems.

We must recommit ourselves to doing all that we can to make sure that our citizens can get on a bus, step onto a train, go to work, cheer at a sporting event, or just go about their daily lives knowing that everything that can be done has, in fact, been done to combat terror.

We urge Congress to act decisively on this issue. The U.S. Conference of Mayors stands ready to work with this new Congress in a bipartisan way to safeguard one of our Nation's most critical infrastructures.

I wish to thank you all once again.

Chairman DODD. Thank you very much, Mayor. Thank you very, very much for that.

Mr. Millar, thank you very much again for being here.

**STATEMENT OF WILLIAM W. MILLAR, PRESIDENT, AMERICAN  
PUBLIC TRANSPORTATION ASSOCIATION**

Mr. MILLAR. Thank you, Mr. Chair, and congratulations to you. I have had the privilege of testifying before this Committee since 1978, so I watched you go from there to there to there to there. And to Mr. Shelby, thank you so much for your leadership over the years and for the many courtesies and privileges you afforded me

in coming before the Committee. And I am very pleased, Mr. Chair, to hear that you want to carry on the tradition of this Committee of working in a bipartisan way and working on issues that are important to the American people. We thank you very much for that.

I also want to thank you for—I understand yesterday you and Mr. Shelby and Mr. Reed and Mr. Allard sent a jointly signed letter, along with the Environment and Public Works Committee, to the leadership of the Senate that points out how important it is in resolving the 2007 appropriations issues that the levels for highway and transit funding that were included in Safety be honored, and I thank you again for that bipartisan leadership and approach on that. That is very important indeed.

As I listened to the opening statements, as I listened to the mayor, I am very tempted to just sit back and say “Ditto” and “Amen.” It is very clear that this Committee, the mayors, and so many others understand the issues. Today is a weekday. Thirty-three million times, Americans will board public transportation vehicles today. Almost all of the equipment that they will use has been federally assisted in its purchase. There can be no doubt that the Federal Government has a major role not only in protecting the lives of Americans, but in protecting the investment that the Federal Government has made over the years.

I appreciated in the opening statements the important review of the history of the commitment of this Committee to transit security, and we were very pleased to work with the Committee as it guided—to unanimous approval by the Senate—two security bills in two different Congresses. And as you pointed out, unfortunately they never became law, but we must keep trying. It is important to do so. And we note with great pleasure the important symbolism that the very first hearing of this Committee in the 110th Congress is not only about security, as important as that is, but that among all the things in the Committee’s jurisdiction, you chose public transit first, and we appreciate that. Greater emphasis has to be placed on making our riders safer, making our employees safer, and making the communities in which they reside and work safer as well.

As has been pointed out, while it is important to secure the Nation’s airline system, 16 times more Americans will use public transit today than will use the Nation’s airlines. They are different kinds of systems. The same type of security is not going to be appropriate for both systems. But as some have mistakenly argued that, well, you just cannot do anything to improve security in public transit, it is such an open system, that is simply wrong. Many things have been done. Many more things could be done. And we must do a much better job of training our employees. We must do a much better job of equipping our employees. We must do a much better job of making sure that there are joint law enforcement training exercises, that we improve the communications systems, that we improve the security around the perimeters of locations where transit vehicles and workers are. And the list goes on and on and on.

We have provided to the Committee on many occasions results of survey work among our members. Yes, the investment levels would seem high and seem daunting, but the benefit is so large we



simply must do that. We do not want to be in a position of getting yet another wake-up call. We do not want to be in the position of coming back to the Congress after an incident has happened in America, and then funding what we knew we should have been funding all along.

The transit systems of America have already invested billions of dollars of their own resources. They are prepared to invest additional sums. But we need the Federal Government as a full partner, and we encourage the Committee to again introduce legislation, as you have in the past, and we will be standing firmly and strongly with you in an effort to see that it is passed.

My testimony includes many other very specific suggestions, but, again, Mr. Chair, we are very pleased to be here today. We look forward to working with you and the other Members of the Committee, and anything that we can do to help, we want to help.

Thank you very much, sir.

Chairman DODD. Thank you, Mr. Millar. I appreciate your time and your comments as well about Senator Shelby and the work of this Committee. And as you have pointed out, as we have all pointed out, we have been through this now on a couple of occasions over the last 4 years, so we have a pretty good understanding of the issues. There may be some new ideas that can come into this, but basically the fundamental principles I think that we incorporated earlier make a lot of sense to me. And I will be listening to Senators Shelby, Reed, and Allard as well, who have carried the lion's share of the load on this thing, for any additional thoughts they have. But my sincere hope is that rather quickly we will mark up a bill here and have it available, working with the Commerce Committee as well, too, to have a unified bill that we can then present to the leadership for early consideration. So, I appreciate your strong comments.

Mr. George, welcome.

**STATEMENT OF WARREN S. GEORGE, INTERNATIONAL  
PRESIDENT, AMALGAMATED TRANSIT UNION**

Mr. GEORGE. Good morning, and thank you, Chairman Dodd, Ranking Member Shelby, and Members of the Committee. On behalf of the members of the Amalgamated Transit Union, I want to thank you for giving us this opportunity to testify today on the ATU's priorities and strategies for enhancing transit security.

I applaud this Committee's efforts over the past several years to work together in a bipartisan manner to address this important issue.

The safety and security of our Nation's public transit systems is of utmost importance to the leadership and the members of the ATU.

Faced with the reality of terrorist attacks against mass transit, the ATU has for years worked to raise the awareness of our members and their 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 strongly 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 in the transit industry and officials at all levels of Government, including many Members of this Committee.

Many transit agencies themselves have also taken steps to 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 cannot 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 passengers and employees deserve.

More than 2 years ago, Congress directed the administration to take comprehensive steps to address transportation security risks, including risks faced by the transit industry.

It was not until a little over a month ago that President Bush issued an order to Secretary Chertoff to draft a plan to address security issues in the transit industry.

Two years later is not a time for drafting plans. It is a time for concrete action. The Federal Government must provide funding directly to transit agencies for security purposes and must ensure that transit employees are prepared in the event of an emergency.

Mr. Millar has already presented a compelling case for increased Federal funding for transit security initiatives, which the ATU wholeheartedly agrees. And as such, I would like to take this opportunity to discuss another necessary component of transit security that has gone unaddressed for far too long. That is employee training.

Common sense tells us that the single most important thing that we can do to increase transit security is to provide each and every front-line 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 the 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.

Front-line transit employees are also crucial in preventing attacks. They are the eyes and ears of the system and are often 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.

Security experts and officials from the FTA and the TSA have publicly recognized the need for employee training. In fact, a list of 17 "Action Items for Transit Agencies," jointly developed by the TSA and the FTA, includes establishing and maintaining a security and emergency training program for all employees. And yet little has been done to ensure that this training is provided.

While many in the transit industry claim that the employees are being trained, this is simply not the 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, and they have no idea how to help prevent an incident or what to do if one occurs.

What is most surprising is that many of the members of my union I hear this from are employees of the 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.

FTA's own numbers show that only a fraction of industry employees, less than 25 percent—I repeat, less than 25 percent—have been trained through the leading industry training program which is now provided at transit agencies free of cost by the National Transit Institute in partnership with the FTA.

I would be happy to answer any questions you might have on it. I know you have my full testimony, and I will not burden the record any further. Thank you.

Chairman DODD. Thank you very much, Mr. George. We appreciate your testimony and the work that your members perform every single day. And the issue of training I think is one we are going to spend some time talking about here this morning, and I am very confident you are going to hear from a unanimous panel about the importance of that issue. So we thank you for your emphasis on it here this morning.

Again, welcome, Mr. Garrido. Thank you for coming such a long distance to be with us. And please express again our sincere condolences to the people of Spain for what you have been through, and we are very anxious to hear your testimony.

**STATEMENT OF AURELIO ROJO GARRIDO, OPERATIONAL DIRECTOR, METRO MADRID, AND SECRETARY GENERAL, ASSOCIATION OF LATIN AMERICAN METROS AND SUBWAYS (ALAMYS)**

Mr. ROJO GARRIDO. Thank you very much. I really appreciate Mr. Chairman, Mr. Dodd, and Mr. Shelby, the Ranking Member, inviting Madrid Metro to share our tragic experiences in Madrid and also our decision that we took after this tragedy.

Chairman DODD. I should point out, you have a program here, a slide presentation here for us.

Mr. ROJO GARRIDO. I will show you some pictures that normally we do not show, but I think it is important for all of you to see the real situation after the explosion.

I have some figures about Madrid Metro. The Madrid region has 6 million citizens, and Madrid Metro now is 227 kilometers. In the next 5 months, we will extend 50 kilometers more.

In relation with the attacks in Madrid, 13 bombs exploded in 4 trains. The trains were in three different stations or close to a station. It was in the rush hour, and almost 200 people were killed and more than 1,500 people were injured. All the trains came from the Alcala de Henares Station, a city 50 kilometers from Madrid.

Here is a picture with the crowded platform in the same hour of the bomb. One of the bombs exploded in this station.

The other bombs exploded in the open surface. Here you can see one of the trains. In this train, the terrorists put three bombs.

Here you can see the first moment after the explosion. Here in this tragic picture you can see the first help. The same passengers tried to help the others until the members of the police and the emergency service came.

More pictures inside the trains, it was very, very helpful. In the picture on the left is some picture of the period when the bomb exploded in the platform.

We did some special measures quickly. We started to do inspections on the surface rail. We have 30 kilometers on surface; the other 200 are in tunnels. Before opening the services, we decided to close the bins, and we changed our patrolling systems. We also started to control technical areas. We started to do our awareness campaign in order to ask the passengers to collaborate with us and with the police. We raised many information about the technical assistance that we have in order to know our passengers this system.

The police presence was increased. The Municipal Police, which is the second police in Madrid, came also for 2 months for Madrid Metro. And we increased also the budget to contract private security, more than 20 percent. And what was very effective is to create mixed patrols between national police and private security guards. It is very interesting for us. We decided to remove luggage racks in the trains to the airport, and a very important thing is to involve the staff in the supervision of security matters and the security training. All the courses, the training courses, we did one or 2 days to share the latest knowledge in security matters in the underground.

In relation with the management system, we decided to implement a new security post in all lines. It is a very important decision for us. We already had before the Post Command Center and the station and the trains. We decided to implement line security posts for all lines, with technical assistance to help with the security matters.

We started to patrol also with trained dogs, some of them specialists in explosives, and also we introduced mobile bomb detectors.

After the conversation with the police and the Spanish security, we feel it is very difficult to protect a huge network with 1 million square meters area, 100 kilometers of corridors and platforms, many doors. It is very difficult to close a system as underground. For that, we decided to implement the general level, introducing technical systems to help the police, the security staff, and the operational staff to control the space. We introduced PDA for the staff. In this PDA it is possible to control and to receive alarms and to watch the CCTV system.

Our regional government decided to have funds to increase the security matters, more or less \$100 million to spend in 2 years to improve our communication system and security system established, especially the CCTV system.

We think now on behalf of our association, ALAMYS, the Latin American association, our members, the commitment of the politics with the leaks in the transit system will be fully adopted. We take the decision in order to give funds to increase the security level because the target of the terrorists is these days the transit system

more and more. And also the role of the Metropolitan Railway is to collaborate, coordinate, facilitate the operation with technical assistance, emergency plan, and staff preparedness.

I think we have many plans in Europe, in the European Community, but the central government usually has the main responsibility for addressing the plans to fight against terrorism.

Thank you very much. Sorry for taking more minutes. The message for all of you is all we can fight against terrorism if we are together. Thank you very much.

Chairman DODD. Thank you very much, Mr. Garrido. I should have mentioned this. I know just recently you have been through again another round of terrorist attacks in your country. In this case, I think it was ETA who perpetrated these attacks. You have been through a lot in Spain over the last number of years, and I want you to know you have the support and sympathy of the people in this country. I served for a number of years as the Chairman of the U.S.-Spain Council, having joint meetings every year both here and in Spain to talk about issues of common interest, and this was always a subject matter, and we can learn a great deal from you. You have made some very solid and sound suggestions here that I think are going to be valuable to us as we look to our new legislation. But we thank you immensely again for your thoughts and comments.

Mr. O'Toole, again, you have been through a great deal, and we are very grateful to you and the British Government for participating here today.

**STATEMENT OF TIM O'TOOLE, MANAGING DIRECTOR, LONDON UNDERGROUND, TRANSPORT FOR LONDON, ENGLAND**

Mr. O'TOOLE. Thank you, Mr. Chairman, and congratulations to you. I hope my accent isn't too great a disappointment to you all. I am the Managing Director of London Underground, and we are the oldest and one of the largest underground railways in the world. We are grateful you would include us in your consideration of this subject which is so important to us. As the Chairman has already pointed out, on the 7th of July in 2005, four young men, 24 hours after London had just finished celebrating winning the Olympics, sauntered into one of my stations, Kings Cross. One of them got on a Circle Line train headed east. One got on a Circle Line train headed west. One got on a Piccadilly Line train headed south. And one we believe meant to get on a Northern Line train but got delayed, confused, and appears to have been evacuated from the station onto a double-decker bus.

The three who got on the trains waited until the trains got into the tunnels, and then they simultaneously detonated bombs they carried in rucksacks on their backs. About an hour later, the man who got on the bus detonated his bomb. And, as the Chairman has already pointed out, 52 people died, 700 people were injured, many of them in life-changing ways.

I am very proud of the way my staff reacted to these events. Within minutes, within 2 minutes, they were in the tunnels starting to attend to those trains. Within 20 minutes, we had made the decision to evacuate the network. We had over 500 trains in service at that time, and within 1 hour, we got 250,000 people off that net-

work without a single injury. Within 2 hours, we had divided management into very separate tasks focused on dealing with the immediate scene, designing a new service plan, and finding ways, engineering designs to bring those sites back.

You can imagine going through an experience like that, you learn a lot of lessons, but I thought I would just focus on the one, and the Chairman has already anticipated it. The primary lesson is this: You have to invest in your staff and rely on them. You have to invest in technology but don't rely on it. You have to respond much faster than management can intervene, and the only ones who are going to do that are the people on the site at the time.

My staff is competent and professional, and they are that way because of the drills we do—not just the drills in London Underground, but the drills with all of the agencies, the emergency services. My testimony includes a reference to the very elaborate and expensive drill we did at Bank Station simulating a chemical attack. But we also do them regularly on our network with the local fire department simulating an emergency at a local station. So my staff knows what to do, and what they have to learn is the complexity of the situation they are going to address. It is not just having people of a quality who have the stomach to run into a darkened tunnel where a bomb went off. It is also having a staff intelligent enough to know that they have got to split their resources, and half of them cannot run into the tunnel. They have got to go take control of the entrance, they have to take control of the gate line, because the people keep coming at you. They do not understand what has happened, and they will complicate the situation unless you have staff who are clever enough and trained enough to take care of the situation.

The other great advantage of drills, which I strongly recommend, is the fact of the trust that builds up among the different people involved. There is nothing worse than having one great organization with a lot of power but does not have the competency to actually manage the situation.

In Great Britain, we have a situation that, when an emergency happens, the metropolitan police assume plenary authority. I report to the metropolitan police at that point. My headquarters is right across the street from New Scotland Yard. Yet when these bombs went off, an officer didn't come across the street to oversee us. The reason they didn't is they knew what we would do. They knew we were trained and they could rely on us. So the people with different expertise can just get on with what they have to do, and that is a very, very important element to have in your organization. In other words, it is not just the front-line people. The entire institution has to be trained and made competent.

The second half of that lesson is to invest in technology but don't rely on it. There are certain elements that are going to fail you. Certainly some things are not going to survive a bomb blast. The mobile or cell phone network could not handle the traffic, so if you have a management structure that relies on getting a hold of people with cell phones, you are in big trouble. But there certainly are elements of technology that are useful. Certainly our CCTV system proved extremely useful in the attack that followed 2 weeks later

on the 21st and allowed the metropolitan police a way to arrest those people fairly quickly.

The only point I want to emphasize is that whatever you invest in, it must be as a result of firm risk-based analysis and not be simply an investment that panders to the fear in society. Railways are extremely inhospitable environments. If you introduce a lot of very delicate detection equipment, all you are going to do is impose an extremely expensive maintenance burden on an institution that we know is invariably underfunded. So we have to make sure the things we invest in actually lower the risk for the people involved; otherwise, the money is better off going into making sure the trains are reliable.

It was an awful day in London on the 7th of July 2005, but my staff performed magnificently, and I am very proud of them. Thank you, and I would be happy to answer any questions.

Chairman DODD. Great testimony. I am grateful to all of you for your comments.

Let's pick up on the emphasis that Mr. O'Toole raised here. You have all addressed it. Mr. George did. Certainly Dan has talked about it as well. Let me ask you, Mr. Garrido, to comment on the statement that you need technology but not to rely on it and personnel really needs to have the training and background to do the technology aspects of these systems, which are rugged systems, that go through a lot. Do you have any additional comments to make? Do you have anything you would add to what Mr. O'Toole suggested?

Mr. ROJO GARRIDO. I agree with Mr. O'Toole and all the principle is to have a staff with commitment, with the—associated with terrorists, and the facilities, the technical assistance has to be in to help them to fight against terrorism, also against the other security departments in our networks.

I agree also it is very difficult to implement different kinds of detectors for this. We already use the mobile detectors, decided not to implement fixed detectors because the cost of this system is very high, and as we have a huge surface, it is impossible to protect.

The collaboration between police and our operational staff is very, very important. It is very important, and we run different meetings in order to share between them their experiences.

I agree with Mr. O'Toole, but also I think to decide to implement some kind of technical services because without this assistance, our staff can manage some situations well, and it is very useful for the normal service, the level of security in Madrid Metro is now higher in many different fields.

Chairman DODD. Great. Thank you very much.

Let me ask the other panelists. Dan, do you want to comment on the training aspects of this and the personnel?

Mr. MALLOY. Well, I listened to Mr. O'Toole and his comments about drilling, and I was thinking of how un-American that is. We are not used to drilling. We do not do the kind of work that other countries have learned is so vitally important in preventing and recovering from the kinds of incidences which he described, and I certainly applaud his performance and that of his agency.

Listening to your first question, Mr. Chairman, I am reminded that interoperability, which is a huge issue, not just in transpor-

tation but in so many other areas, from recovery from natural-occurring incidences as well as terrorism, presents a huge challenge to America's cities and America's mayors. We need real leadership coming from the Federal Government on this issue. Interoperability is really a great worry, and the reality is, as I sit here today, that many cities and States are struggling with that issue and not including transit security in their planning.

That is a reality. I know it to be the case. And we need leadership from this Committee to stress that importance.

Chairman DODD. Mr. Millar and Mr. George, I would like you to comment on this as well. You talked about it, Mr. Millar, as well, and obviously, Mr. George, you represent an awful lot of people out there whose lives and careers are at stake. Give us some sense of what is happening today. Are we doing enough drilling? Is there enough training going on?

Mr. GEORGE. No, Chairman Dodd. There is really not enough training going on. We have not even tipped the iceberg in any way of training. Our people are out there. They are trying to do what is best. They are doing it in a way that they are inexperienced. They think they might see something, but they do not. I think the transit agencies are hard-pressed for funding just to operate the systems. I do not think they have a desire not to do the training. It is just impossible for them to do it at this time, and I think it is just a recipe for disaster someday if we do not get on board and do this. We are willing to work with this. It is our lives on the lines at the same time as we are protecting our passengers.

So there is a common goal here. There should never be any difference. And this is one where the transit agencies and labor and management completely are cooperative in doing the training. We just do not have the training out there in the major systems.

Just recently here, on the Metro system where they had an accident, it took the operator to get off the train and walk through the tunnel back and report what it was and come back up. And there are all kinds of estimates of 10, 20 minutes of lost time in that. It is just not acceptable in today's world.

Chairman DODD. But I gather you are saying what Mayor Malloy said. Can you cite any example in the United States today where we are doing anything along the lines that Mr. O'Toole described, what is being done in London?

Mr. GEORGE. No.

Chairman DODD. There is not a single example of it?

Mr. GEORGE. Not one single example.

Mr. MILLAR. I am not sure I would 100 percent agree with that. Certainly, the major cities, particularly New York City has been a leader. But as Mr. George has said, there is no disagreement. We may disagree on the amount of training going on, but whatever that number is, it is not enough and we are in complete agreement that we need to be doing more training.

As Mr. George said in his testimony, transit workers are also first responders. You know, to take nothing away from police or fire or other emergency people, but before they get there, transit workers are going to be the ones on the scene. And as Mr. O'Toole said, if the transit workers know what to do and begin the process of se-



curing that scene, when the other responders are able to arrive it is a much different situation.

I would also comment on the technology. I think that is a very wise statement Mr. O'Toole has made, that you cannot rely on the technology. Yet we know technology can be a big help, and the mayor referred to interoperability and communications, for example, as an important issue.

Since 9/11, everyone with a different form of snake oil, if I can use that word in this context, a new gadget, has approached public transit. We have asked the Department of Homeland Security if they wouldn't have their research people begin to evaluate what is out there. We are not the experts that they are on all the types of gadgets that might be helpful. And so we would need—we believe we also need a bigger investment in the Federal research aspects of this thing because there are some uses for technology and good uses for technology as well.

But to your fundamental point, we agree there needs to be much more training. There is no system that I know of that would be willing to come and testify and say we are doing all the training that anyone should do. We would like to do more. As President George has pointed out, it is largely a matter of money; it is not a matter of will.

Chairman DODD. My last question, I presume that the things that you are doing today, Mr. Garrido, in Spain, what you are doing today in London—to what extent is the London budget or the Madrid budget—or is it the national budget which has been contributing to this heightened degree of security in the wake of these events? Is it a local expenditure or is it a national expenditure?

Mr. ROJO GARRIDO. Yes.

Mr. O'TOOLE. Well, when we participate in these drills within our agency, you know, we are funding our own expenses, that is part of our budget, as do the other agencies as well. So it is just part of the funding of the enterprise.

Mr. ROJO GARRIDO. Now in Spain, the responsibility for regional transport and urban transport is for the region government. But the central government gives money for the general transport system in each region, but the responsibility how to spend this money is the regional government. In Madrid, the regional government decided to spend contract security, private agents, and to spend in facilities and in training our staff. It is a local decision.

Chairman DODD. The region government makes—

Mr. ROJO GARRIDO. The regional.

Chairman DODD. Thank you very much.

Senator Shelby.

Senator SHELBY. Thank you.

Mr. O'Toole, you are absolutely right about what goes on in London and how cool you are and how well trained you are. I was in London the day of the bombings. Actually, I was in a meeting at Scotland Yard across the street, dealing with an area of responsibility of this Committee, that is, the terrorist financing, which we pursue diligently on both sides of the aisle here. And I was amazed at the response time, how you got people off, and then got the transit system, the Tube, moving again because a couple of days later I was on it. I was a little reluctant to get on it, but my wife and

granddaughter had been riding it, and I said, "If they can ride it, I can ride it." So I commend you on that.

Mr. O'TOOLE. Thank you.

Senator SHELBY. And I think a lot of that is training that you have. I have been in Madrid since the big bombing, I would call it—you know, all of them are big—and met with a lot of your people there, and I commend the people of Spain, and Madrid especially, for how you responded to that.

This is a topic that Chairman Dodd has long been interested in, and the whole Committee, and we pushed. We have had a majority of the votes to fund the fight against terrorism and try to protect our transit system on the floor of the U.S. Senate. And we have got to do better because it might take 60 votes instead of a majority, and the Chairman understands this.

Mr. O'Toole, we all know that there is nothing better than the training of the people because of this, but you use a lot of the closed-circuit TV. I think you had 6,000. You are adding a lot more. How important are they? And is that something that we should really push in this country?

Mr. O'TOOLE. I think, Senator, absolutely. We had 6,000 cameras in July. We are rebuilding the whole system right now. We are up to around 8,000 now. We will get to 12,000 before this is done. They will all be digital. We will record for every second.

It is very important for me to send a message that you come on our system, we are taking your picture. And that does not help if you are dealing with a 7th of July situation, a suicide bomber, but I have to believe it did play a role in the Madrid situation because they got on the commuter rail. They did not get on his Metro system directly where they would have confronted a very different situation. So if you want to get away, you are not going to come onto a Metro system that has CCTV.

It plays another role, though, that I think is sometimes missed by people who talk against the investment. If you are trying to lead a society, it seems to me, you are really dealing with the phenomenon of fear. I mean, the deaths are awful, but, you know, people die from different causes all the time. It is when they die in this situation that causes society to panic.

With CCTV, you are immediately able to analyze and present what happened. When those pictures were presented on July 22nd following the unsuccessful bombing attack, the underlying message to all of London was: Here they are, you know what will happen next, we are going to arrest them.

If those pictures did not exist, it would have contributed to that sense of fear, they do not know what is going on, they are going to come back. CCTV allows you to take control of the situation and project this sense of control, and I think that is as important as almost any other attribute that leadership brings to one of these situations.

Senator SHELBY. I want to pick up on what Senator Dodd was alluding to earlier, and that is the funding source. First, transit security or Tube security, Underground security in London, do you have a local or a Metro source of funds, or is it a national source of funds from the House of Commons?

Mr. O'TOOLE. In Great Britain, everything comes from the Chancellor, so—

Senator SHELBY. Chancellor Gordon Brown.

Mr. O'TOOLE. Right. So we have got the money we raise at the till, and then we get a grant from government.

Senator SHELBY. OK.

Mr. O'TOOLE. The Federal Government.

Senator SHELBY. In Madrid, what is your funding source—national—for security of the Madrid system and rail system?

Mr. ROJO GARRIDO. The budget is from the regional government. Regional, it is like a State here in the United States. But the central government framework, more or less 30 percent of the budget of the regional transit system are provided for the central government. But the regional government has the decision in which to invest, in more security, more stations, more traffic security. The political decision is taken at this moment by the regional government.

Senator SHELBY. Are there similarities of how you run your transit security in Madrid to the way they do in London? I am sure there are some differences, but are there similarities? Do you have a lot of closed-circuit TV? You check the rails a lot, all these things. Is that just fundamental to security of a transit system?

Mr. ROJO GARRIDO. Yes, it is similar. Before the attacks, we have closed-circuit TV locally in the station, but now we can record all the cameras, not before, and it is possible to share from the Post Command Center and the local security post. And in the case of Madrid, the police could know the moment of the terrorist in the underground because the terrorists travel in the underground using record files. And it is important because now almost 40 people are imprisoned after the investigation of the police, and they used many, many frequently the system of the Madrid Metro. It is very useful for police.

Senator SHELBY. Mayor Malloy, tell me what you mean by a flexible Federal transit security grant program.

Mr. MALLOY. I want you to get money to where it needs to be.

Senator SHELBY. That is a great answer.

Mr. MALLOY. That is what I want.

Senator SHELBY. For security.

Chairman DODD. This guy agrees with you.

Mr. MALLOY. I know.

[Laughter.]

Senator SHELBY. For security.

Mr. MALLOY. For security. And, you know, this is such—you know, if you look at this on a national basis, these are very different systems, very different needs. Decisions need to be made close to the ground. But to implement those decisions, we need money. We need resources. Quite frankly, Senator, you need to get it to us, and I began my remarks by thanking and congratulating you for your work with us. We need your continued leadership on this issue.

But the reality is that we are ready to build that system. We are ready to make America safer. We are ready to have safer transit. But, quite frankly, the resources need to come to us to allow us to do that.

Senator SHELBY. I agree with you.

Mr. Millar, you have been before this Committee many times. We have worked with you on this very subject. How important is to have a funding source separate and distinct from the Department of Homeland Security's transit passenger and freight rail security funds?

Mr. MILLAR. Yes, we believe that having a dedicated funding source to public transit is essential. When you are mixed in with many other—

Senator SHELBY. For security.

Mr. MILLAR. For security, absolutely, because if it is mixed in with—you need to secure the ports. You need to secure the airports. You need to secure transit. You need to secure—the list goes on. And if it is all in one big melange, you do not do any of them well. We need to set the kinds of standards that we want.

For example, we have proposed to the Department of Homeland Security—APTA is a standard-setting organization—we have proposed that we would work with them to develop standards so we would know when you have a rail transit system, here are the kinds of things you ought to be doing; a bus system, these kinds of things.

So a dedicated source of funding for transit security is essential.

Senator SHELBY. Well, we hate to talk about things like this in public, but we have to because this is part of our obligations and responsibilities.

Mr. MILLAR. Yes, sir.

Senator SHELBY. But we have, as we all know, a great vulnerability in our passenger system, our rail system, our bus system. All of it goes together, and I do not think we have addressed that in any adequate way.

Mr. MILLAR. I agree with you.

Senator SHELBY. Thank you, Mr. Chairman.

Chairman DODD. Well, thank you again, Senator Shelby, for your leadership on that, and the other individuals who have spent a lot of time on these issues.

To my colleague from Rhode Island, I went through this a while ago, and I would be remiss at this historic moment of my new chairmanship not to point out that at long last I have a colleague who has a younger child than I do.

[Laughter.]

Chairman DODD. I want to announce publicly here that we welcome Emily.

Senator REED. Thank you very much.

Chairman DODD. I hope Julia is doing well, and congratulations to our good friend from Rhode Island on the new arrival.

Senator REED. If Emily were here, it would be hard to hear anything else.

[Laughter.]

Senator REED. She is now celebrating her 16th or 17th day with us, so thank you very much, Mr. Chairman.

Chairman DODD. Congratulations to you.

Senator REED. I just want to commend again not only the Chairman and the Ranking Member but the panelists for excellent testimony. And one reason—and this echoes, I think, Senator Shelby's comment—is this terrorist threat, as we have been standing still,

has been metastasizing to a much more sophisticated—and if you look, and I have spent some time on the Armed Services Committee, the fear today is not a bunch of 17-, 18-year-old amateurs, although very deadly; it is very sophisticated sole operators getting instructions through cyberspace, and that is why this incident in Los Angeles is one that is quite disturbing. A lone individual may have been testing the system and may have been either an agent or—and we hope it is nothing, but this is a threat that is very serious. And we have not yet provided the resources, the direction, and the coordination we need. So I hope we can do that. I am confident that with Chairman Dodd and Senator Shelby we will.

Anyway, I thought all the testimony was excellent. Mr. O'Toole pointed out that one of the advantages they had in London was a centralized chain of command in a military sense. People know exactly who is in charge. Not just in your city but across the country, do you think at the local level there is a need for a centralized chain of command with interoperable communication, et cetera, so everyone knows who is in charge, who does what, is that your sense?

Mr. O'TOOLE. Senator, I think we have made progress, but the reality, if we are talking about the ability of local first responders to cooperate, aid, and assist on a transit basis, I do not think we are anywhere near where we need to be. And to piggyback on the point that Senator Shelby made, we actually need you to set those priorities. I think that is why I am here. Other governments—State governments, governments that do not have as active or robust transit systems as some others will—will always set this at a very low priority. It will be a back-seat issue. And that is why the leadership of the U.S. Senate and the House is vitally important to setting this agenda.

If you say it has to be done, and if you provide the funds to do it, it will be done. And, quite frankly, if you fail to do that, unfortunately, not because of this Committee's work, but our government has failed to do it, we are not making the kind of progress that we need to make.

I hope that answers your question.

Senator REED. It does, but let me also ask another question, I think, that my colleagues have suggested, which is, the current structure of Homeland Security funding flows through the States, and for many reasons—and you alluded to them—that money never seems to get into transit because there are these other demands out there.

In some respects, we have not given enough money, but in other respects, there is a natural kind of sponge at the State level. And I am not suggesting they are doing anything that I would not do if I was a governor, but it always seems that the last person in line is the transit system and a local mayor.

Mr. MALLOY. I think that that is correct. It has been the position of the U.S. Conference of Mayors from December 12th on that mayors needed to be viewed as partners in building the system that will allow us to defeat terrorism, and certainly to recover from it when it strikes.

As mayors—and the U.S. Conference of Mayors represents some 1,200 communities with populations of 30,000 or more—we do not

believe this current system is working well for local government. It is delaying implementation. It is siphoning off funds that need to go. And to be very direct and to agree with you, Senator, one of the results is a lack of money and the lack of efforts on behalf of transit.

Senator REED. Thank you very much.

Mr. Millar and Mr. George, thank you for your testimony, and I enjoyed working with you and continue to look forward to doing that. Mr. O'Toole and Mr. Garrido laid out a comprehensive approach to transit security. Senator Dodd asked about training, but I am asking a broader question. Is there any community in the United States that matches the model of Madrid and London, who are reacting to this violence already? They have internalized it, not just in training but in technology, in coordination, in the whole gamut. Can you cite one?

Mr. MILLAR. Certainly New York City and the agencies there are, in my opinion, far ahead of many other places. Here in Washington, DC, a very good job has been done as well. But much, much more needs to be done.

We agree with the model. It is what we aspire to do. But for all the reasons we have talked about today, it has not happened yet to the degree it should. But we agree.

Ironically, the day that the terrible bombings occurred in Madrid, my Director of Safety happened to be in London, and Madrid officials were also in London because we were all trying to learn from one another. There has been very good international cooperation in sharing experiences, and I particularly want to thank my colleagues not only for coming today at your invitation, but for sharing their experiences. They have helped us develop a model so we know what needs to be done. Now we need to get about the business of funding and implementing.

Senator REED. In other words, even our most advanced municipal metropolitan areas have not reached the level of sort of security that we see in London and Madrid.

Mr. MILLAR. That is my opinion, yes, sir.

Senator REED. And, Mr. George, we have talked about training. It is so essential. And I must say, because our hearings before, particularly after our incident on 9/11, because of the spontaneous actions of transit workers in New York City and in Washington, DC, many, many people were saved. The transit workers in Washington moved trains from the Pentagon, evacuated people, kept moving, and there were critical decisions made by New York transit workers—your members, I presume—who at the risk of their own lives either moved trains out or stopped trains of their own volition, not going to that subway station below the World Trade Center.

But the point I think we have all said today is we cannot count on just spontaneous instincts and, you know, the wisdom of—we have got to instill that, and I think that is your position.

Mr. GEORGE. That is correct, and I might add, one thing that goes unnoticed and that we are very proud of in the Amalgamated, we also moved 250,000 school children safely home in yellow buses that day, and it gets no notoriety, and that is fine. But those members returned from their homes in that split shift in a day and automatically on their own, without direction, went and picked

those kids up. They thought that was their primary duty. And the bridges were all closed, as we know, so they had a very difficult time.

Chairman DODD. But Jack's point is that was done by instinct.

Mr. GEORGE. Instinct.

Chairman DODD. That was not because someone had thought about this ahead of time.

Mr. GEORGE. No, it was not. And I guess really what it—the training aspect of it, you know, we run very good transit systems in this country, and we run them with really good members, my members and employees. This is a new ingredient that has come into the fold that no one really knows. And I think the leadership of this Committee that has to put the mandates down, we do not have—we haven't reached that area of expertise where we do work on—like they do in Madrid and they do in London. We are far from that area yet. We are going at it as novice, and we have to really go at it with a professional type of thing. And I think that is where it takes the funding, and I think it takes a mandate from the Federal Government with Homeland Security to say, look, this is an important thing.

I might add, I know we are talking about public transit, but we have our over-the-road industry which I represent, and that, too, is very vulnerable at the time. And those over-the-road operators cannot afford to do the things that some of the public transit are doing right at this time with the limited amount of funding they have.

So it is a great concern to my members.

Senator REED. Well, I have a great deal of respect for your members. My great-grandfather and grandfather were transit workers in Providence, Rhode Island, starting on the horse cars and then going to the electric trolleys.

Mr. GEORGE. Very good.

Senator REED. So this is a genetic disposition on my part.

[Laughter.]

Mr. GEORGE. Thank you.

Senator REED. A final question, and I think I have been told to relinquish my time. Both Mr. Garrido and Mr. O'Toole, if you could just tell us the three recommendations you would make. You know, what are the three top things you felt you had to do immediately either to get the system in shape or to respond to this attack? Mr. Garrido.

Mr. ROJO GARRIDO. It is necessary to balance, to manage people and systems, both, in our opinion, necessary, in first place, of course, people but with the help of the technical system. The commitment for politics that fight against terrorism in the field of public transport because in this moment one of the main objectives for them. And if our citizens don't feel well in our system, our cities, we don't develop in a sustainable way. And to maintain safe transit system, it is essential for our cities today. These are our main suggestions.

Senator REED. Thank you.

Mr. O'Toole.

Mr. O'TOOLE. I would say the ability to not reward these people with chaos and fear, and that means, number one, you have got to bring the system back immediately. You cannot have any delay.

The second thing is to allow that to happen, you have to have a plan so that you project this sense of control.

And I would like to add, it is not just about training everyone, you run here and you run there. It is also about a comprehensive plan, and I would like to just give you two examples that you will be judged by.

Senator REED. Please.

Mr. O'TOOLE. Number one, every transit agency better know where they would and how they would set up a family and victim assistance center. You do not get a couple of days to think about this. These people come at you right away, and you will be judged on whether or not you have those kinds of facilities.

The second thing is your employees in a situation like this confront things people are not supposed to see in everyday life, and the violence we see on movies and television is antiseptic compared to what they will confront. You saw some of those pictures. But we have people going into darkened tunnels with limbs spread all over and stepping on pieces of humans, and it is just—this sticks with people. So you better know how you are going to deliver a lot of counseling to these people. It is not enough to call them heroes the next day. They need help, and you have to be able to deliver it. And if you don't know how you are going to deliver it, you are going to be judged very harshly on that as well.

So you really need a group to sit down and think about an incident like this all the way through and divide up the various tasks. It is just about kind of projecting this whole plan to the community.

Senator REED. Thank you very much.

Chairman DODD. That is great testimony. I was thinking of the importance of that and thinking in a holistic way about all of this. I noted the other day, picking up on Senator Reed's point here about talking about Washington, DC, the control center for the Metro system in Washington, DC, is just a few blocks from the White House. And I know that there has been an effort over the past number of years to try and move that center out to one of the more suburban areas, one of the reasons being that if you faced a tragedy here in the city, you could end up not only with that tragedy on your hands, but also shutting down your entire Metro system, given the proximity to some of these targets that could be attractive to these people.

So it really does need this thinking. They cannot get the funding for this, by the way. That has been the problem. There is no funding to move this. So you are faced with these kinds of dilemmas.

And you said something, Mr. O'Toole, that I want to pick up on. Dan may remember this. We had a meeting in Fairfield County, at the University of Fairfield, in fact, about a year or so ago, where we just were talking not about specific transit systems but what would happen in Lower Fairfield County, which is a highly congested area, if we had an incident on Route 95, one of these major problems, whether it be an accident or something more manmade. How is everyone going to respond to this? What happens in our



hospitals? What happens in our schools? The first responder, as someone pointed out, is in this case transit and transit workers. If it is a building, it is the employees in that building. The first responders are the people who are on the site where the incident occurs. So to what extent have you thought really getting into this is how do we respond to it.

And it was very revealing, even there sitting down, saying they had thought about it but never in a complete enough way. And I wonder if we have any sense of this about first responders, in addition to what we are doing with the transit workers and the employees involved in this situation, to what extent, asking Jack's question again, has there been any thought beyond some isolated anecdotal cases, are we really working at this, even sitting down and talking about it? Forget about going to a drill. Are people sitting down someplace and saying what do you do and what do you do and what do you do?

Mr. MILLAR. Yes, that is happening, and that is recognized, and that is one of the important lessons we have learned from around the world. So, yes, that type of comprehensive approach is worked through, and I would venture to say that in most major metropolitan areas, that basic level has been decided. But when you get past that top level is where we need more work.

Chairman DODD. Again, I thank all of you for being here. I am going to turn to Senator Shelby. He has got another couple of questions here. But this is a top priority for this Committee. The reason we had this as our first hearing, I think Mr. O'Toole made the point, not only responding to get things back up, it is the mentality, it is the ripple effect beyond the actual event itself that can have huge implications. And you end up with a good percentage of your people not wanting to get back onto a system. Just imagine what effect that is in terms of just commerce, if that goes on for days what happens.

So it is fear sometimes far beyond the actual event that these people are trying to create, and I think it is very important, the prosperity aspects of this beyond the incident itself are critically important for our discussion. And I am very much enthusiastic about Dick Shelby's concepts and ideas, and this is where we are focusing on where the risks are. And I was thinking here, as the author of the FIRE Act and the FIRE grants, these monies have all gone directly to the communities involved, and it has made a huge difference just in terms of how well a dollar gets spent and what the priorities are, and it has worked very well.

Mr. MALLOY. Senator, it is a far better model than the one that we are pursuing on a national basis today. That is the reality. This is what mayors have been saying. Clearly you have heard that from your fire departments from across the United States.

Chairman DODD. Senator Shelby.

Senator SHELBY. I will reserve any questions, but I do want to join you in thanking all of you for your concern, your involvement, and also for coming a long way, from London and Madrid, you two, to be with us today. We will continue to work on this.

I think we cannot alleviate all the fear and all the risk, but we can cut out a lot of it, and we can reassure a lot of the traveling

public that we are meeting our responsibility, that is, if we can get our colleagues to join us.

Thank you, Mr. Chairman.

Chairman DODD. You bet. I would just note in the Committee, because this would be my first day, I looked out in the audience and there is a fellow by the name of Jack Hargett who is in the audience. Jack Hargett goes back. I have known him almost all my life. He worked with my father up here in the U.S. Senate many, many years ago. So, Jack, it is good to see a familiar face, and someone who is deeply involved in these issues, I might point out as well. So thank you for being here.

I think all of us, with all due respect to our domestic witnesses here, I cannot tell you, Mr. Garrido, how much we appreciate your being here. And it means a great deal, Mr. O'Toole. Thank you very much.

Senator SHELBY. One other comment if you would recognize me.

Chairman DODD. Yes.

Senator SHELBY. I think I would be remiss if I didn't recognize publicly the work that Senator Reed and Senator Allard have done in this area. I did not know it was genetic with Senator Reed, but he has worked hard in transit security and all aspects of this. And I wanted to publicly do that for the record.

Chairman DODD. Well, very good. Again, thanks to all of you.

We are going to keep the record open for members who may want to ask some questions. We will leave it open for about a week because we want to get right back to a markup if we can soon on this bill. We want to move things along. So there may be some additional questions that colleagues would like to raise with you, so we will leave that availability open, and we hope you could respond fairly quickly to some additional questions that may come up.

Again, I thank all of you for being here today and I thank my colleagues.

The Committee will stand adjourned.

[Whereupon, at 11:36 a.m., the hearing was adjourned.]

[Prepared statements supplied for the record follow:]

**PREPARED STATEMENT OF SENATOR WAYNE ALLARD**

I would like to thank Chairman Dodd for convening today's hearing on transit security. It is an appropriate topic to be the Committee's first issue for consideration in the 110th Congress.

Every single day in America, millions of people ride public transportation, and we all represent transit riders. Following the tragic attacks on public transportation systems around the world, we have all become acutely aware of the need to strengthen security for American transit.

Yet, transit systems present a unique security challenge—the success and efficiency of public transportation is predicated on open access. The security approaches utilized in other modes, such as aviation, would destroy the viability of a transit system.

There are ways in which the unique security needs of public transportation can be addressed. Although part of their expertise comes from unfortunate personal experience, Mr. Garrido and Mr. O'Toole can help us learn from the Madrid and London tragedies. I sincerely appreciate their willingness to appear here today to help us better understand this issue.

In my previous capacity as Chairman of the Housing and Transportation Subcommittee, I was pleased to work with my counterpart from across the aisle, Senator Reed, along with our full committee leadership, Senator Shelby and former Senator Sarbanes, in drafting legislation to make America's public transportation systems safer. I am confident that Chairman Dodd will continue the active interest of Senator Sarbanes.

In particular, I was pleased that the grant allocations were to be based on security assessments conducted by the Department of Homeland Security (DHS). They are in the best position to identify risks and vulnerabilities, while factoring in relevant security information, in order to prioritize needs for grant allocation. This would ensure that the program is as efficient as possible in meeting transit security needs, rather than simply becoming another pork program.

Although our bill passed the Senate on multiple occasions, it has yet to be enacted into law. I am hopeful that the committee will be able to move legislation quickly, and I look forward to working with my colleagues and Chairman Dodd to accomplish this goal.

Although it is not in the Banking Committee's jurisdiction, I wanted to take this opportunity to mention another bill which I believe will be very beneficial to transit security. At the beginning of the 110th Congress, I reintroduced legislation to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center in Pueblo, CO. This unique facility enhances technology and training to prevent, minimize, and respond to potential terrorist attacks. I believe that it is an excellent complement to the legislation that has previously passed the Banking Committee, and I hope my colleagues will join me in supporting it.

I regret that I will be unable to stay for this hearing due to another hearing in a different committee; however, I intend to carefully review the information from this hearing. This is an extremely important issue, and I thank the Chairman for making it such a high priority.

---

**PREPARED STATEMENT OF HON. DANIEL P. MALLOY**

MAYOR OF STAMFORD, CT, AND TRUSTEE, THE U.S. CONFERENCE OF MAYORS

JANUARY 18, 2007

Thank you very much for inviting me to speak with you today on behalf of The United States Conference of Mayors regarding the state of transit security. The United States Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,139 such cities in the country today, each represented in the Conference by its chief elected official, the Mayor.

On behalf of The United States Conference of Mayors, and the hundreds of mayors we represent, we appreciate your interest in public transportation security, and we look forward to working with you as you develop legislation to safeguard America's bus, rail, and ferry systems.

The written comments delivered this morning will focus on four key transit security areas identified by the mayors:

1. The establishment of a flexible Federal transit security grant program.
2. Securing public transportation systems is a Federal responsibility.
3. Transit security funds should go directly to the transit authority or that jurisdiction providing security.

4. Robust resources for transit-related security research and development of technology.

#### **Overview**

One month after September 11, the leadership of the Conference of Mayors called an emergency homeland security summit in Washington, DC. Hundreds of mayors, police, fire, emergency management, and transportation officials came to that summit and drafted a sweeping “National Action Plan for Safety and Security in America’s Cities.” That National Action Plan was updated in October of 2005 with special emphasis on transit security following the attacks on London’s Underground Tube system, aboard London Transit Buses, and Madrid’s rail system.

In addition, my comments delivered this morning originate from the Conference’s “Strong Cities . . . Strong Families . . . For a Strong America” 10-Point Plan which will be presented next week at The United States Conference of Mayors 75th Winter Meeting in Washington, DC.

The United States Conference of Mayors and its members have dedicated themselves to making America’s cities safer by preventing possible acts of terrorism, and being ready to respond should terrorists strike.

Mayors have never waited for assistance from others to act. Mayors and cities continue to focus on protecting their citizens from possible terrorist attacks, including attacks on mass transit. At the same time, we must further strengthen our partnership with the Federal government to make sure that our “first preventers” and “first responders” have the resources and training they need to succeed, and that all necessary Federal support is ready in the event of a catastrophic event.

To this point, the nation’s mayors believe more must be done at the Federal level of government to make sure that our cities are able to respond to the growing challenges of securing public transportation infrastructure. As the American Public Transportation Association’s (APTA) survey identified, Congress has allocated only \$386 million to transit security through Fiscal Year 2006, yet transit agencies have identified in excess of \$6 billion in transit security investment needs.<sup>1</sup>

We urge Congress to act decisively on this issue.

For the city of Stamford, CT, securing these wide open and vulnerable systems is a priority. As part of the New York metropolitan area, Stamford, a city of nearly 127,000, is one of the largest cities on the route between New York and Boston. It is a major transportation hub for other communities in the State of Connecticut and is located on one of the busiest stretches of public transportation in the Nation.<sup>2</sup>

#### **Priorities for Enhanced Public Transportation Security**

With more than 7.8 billion trips taken nationwide on public transit in the first 9 months of 2006,<sup>3</sup> protecting riders from potential terrorist attacks remains a high priority for mayors, public safety officials, and first responders.

We believe that any public transportation security legislation should be guided by four principles.

*First*, the Nation’s mayors are calling for the establishment of a flexible Federal transit security grant program to improve security in the areas of communications, surveillance, detection systems, personnel, training, and research. Specifically, this grant program should fund security cameras onboard public transportation vehicles and in bus and rail stations, video surveillance and threat detection cameras, increased surveillance via closed circuit TV, and automated bus and rail locator systems. As far as infrastructure expansion, modernization and rehabilitation, the grant program should fund permanent chemical, biological, and explosive detection systems, fencing and barriers, lighting, alarms and access control for tunnels,

<sup>1</sup>APTA’s transportation security survey identified needed enhancements costing 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.

<sup>2</sup> Stamford is located on the main branch of the New Haven Line on the Metro-North Railroad, the commuter rail system for northern metropolitan New York City. Stamford Station is the last express station in the direction of New York City, and thus serves as a major transfer point for faster trains into New York City. Stamford Station is also the terminus of a Metro-North branch line that ends in New Canaan, about 15 miles away and is also a major Amtrak station served by the high-speed Acela trains that run from Washington, DC, to Boston. Amtrak’s Regional and Vermonter service has linked Stamford with daily trains to Virginia, Vermont, and intermediate points. Bus service runs along major arterial roads as well as connecting the city with New York.

<sup>3</sup> APTA announced on January 7, 2007, that public transportation ridership has increased by nearly 3 percent in the first 9 months of 2006, as Americans took 7.8 billion trips on public transit.

bridges, interlockings, tracks, yards and facilities, redesign of infrastructure to eliminate hiding places, the life safety program in New York City, and to rehabilitate existing Baltimore and Washington, DC, tunnels.

*Second*, as we have done with aviation, securing public transit is a Federal responsibility and should not require a local or State match.

*Third*, mass transit security funds should go directly to the transit authority or the jurisdiction providing security. We must continue to make improvements in the grant application process and delivery mechanism for Federal Homeland Security resources to make sure that the funding quickly reaches the transit system's first responders.

Since the early days after September 11, 2001, the Nation's mayors have expressed serious concern with the state-based system for coordinating preparedness and responses to acts of terrorism.

Many mayors have positive working relationships with State and Federal partners, but there was a real concern from the beginning that a complex, Federal distribution system that involved various approval levels for first-responder resources and training would be slow and result in serious delays in funding reaching high-threat, high-risked populations and infrastructures, including mass transit.

Unfortunately, the many surveys our organization conducted proved this to be the case. Time and time again, our surveys showed that resources were not reaching our cities and the critical infrastructure quickly.<sup>4</sup>

*Fourth*, there should be a robust and dedicated funding source for transit-related security research and development technology. Recognizing the threat posed to mass transit systems by acts of terrorism, mayors urge increased research and development to counter these growing challenges, both by improvements to current capabilities and development of new technologies.

### **Conclusion**

Chairman Dodd, Ranking Member Shelby and Members of this Committee, let me make some closing comments.

I know that our Nation has made significant progress on increasing homeland security since September 11, and that our Federal-local partnership is much stronger with more resources, better information sharing, and a greater level of general communication.

But I fervently hope that the tragic attacks in India, the United Kingdom, Spain, and Israel serve as a reminder that we must not settle for "good enough." These and other attacks dramatically highlight the vulnerability of mass transit worldwide to terrorism and the need for an increased focus by the Federal Government on security for these systems.

We must recommit ourselves to doing all that we can to make sure our city and county citizens can get on that bus, step into that train, go to work, cheer at that sporting event, and just go about their daily lives knowing that everything that can be done is being done to make them safe from terror.

I cannot over-emphasize the critical importance of public transportation to our local economies and the long-term vitality of our cities and the Nation. That is why we must invest in transportation security.

We are all in this together.

On behalf of the Nation's mayors, The United States Conference of Mayors stands ready to work with this new Congress in a bi-partisan way to safeguard one of our Nation's most critical infrastructures, public transportation.

Thank you again for the opportunity to appear before you today.

I look forward to questions.

## **EXHIBIT A**

### THE UNITED STATES CONFERENCE OF MAYORS MAYORS' 10-POINT PLAN

#### *Strong Cities . . . Strong Families . . . For a Strong America*

#### **1. Energy and Environmental Block Grant (Climate Change)**

Mayors from across the Nation, working through The U.S. Conference of Mayors, are leading the Nation in taking action on the critical issue of global warming. Local

<sup>4</sup>The United States Conference of Mayors 231-City/50-State 2004 Third Report to the Nation on Tracking Federal Homeland Security Funds showed that of the cities responsible for providing transit security, one-fourth of the cities reported that their State was exercising its option to keep a portion of the transit security funds to complement State assets at transit sites.

governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use and its impact on global warming.

When our Federal Government refused to take action on the issue of Climate Change, over 350 cities pledged their commitment to the U.S. Mayors Climate Protection Agreement to call attention to the global warming crisis and to begin development of local programs to reduce carbon emissions. This community-based, grass roots effort is key to a successful national strategy to reduce our energy dependence, decrease carbon emissions, and improve the environment.

The U.S. Conference of Mayors proposes creation of an Energy and Environmental Block Grant, modeled after the highly successful Community Development Block Grant, to provide funding directly to cities and urban counties for programs that 1) improve community energy efficiency; 2) develop and implement community strategies to reduce carbon emissions, including but not limited to achieving "carbon free" buildings by 2030; 3) develop and implement community and transportation energy conservation programs; 4) encourage the development of new technologies and systems to decrease our dependence on foreign oil; and 5) promotion and development of alternative/renewable energy sources. Funds could also be used to support local non-profit organizations to meet the objectives of the program. The Block Grant would be distributed under a formula based on population and other factors, modeled after CDBG, and include measurable objectives.

Initial funding for the Block Grant could come from (in part or in whole) from revenues derived from the proposed repeal of the 2004 tax cuts for the oil and gas industry and royalty payment from off-shore oil and gas leases.

Eligible activities under the Block Grant would include, but not be limited to, development of comprehensive energy, environment, and climate protection strategic plans, weatherization programs, energy efficiency audits, alternative fuel infrastructure, incentives for energy efficiency technologies, promotion of public transit, methane recovery programs, conversion of alternative fuel fleets, public education, brownfields redevelopment, land-use policies, etc.

## **2. Federal-Local Partnership on Crime Prevention (Violent Crime Rising, Federal Resources Cut, Trust Fund Needed)**

For a growing number of cities across the United States, violent crime is accelerating at an alarming pace. The FBI's Uniform Crime Report for 2005 showed the largest single year percent increase in violent crime in 14 years. This trend continued in 2006 according to a Police Executive Research Forum survey of 55 law enforcement agencies, with many cities seeing double-digit increases in murder, assault, and robbery rates.

Mayors and police chiefs have identified a number of contributing factors for this rise in crime including a growing culture of violence among youth, gangs, a proliferation of illegal guns, drug activity, the re-entry of ex-offenders, and social problems related to school truancy and a lack of jobs. Funding for major Department of Justice law enforcement programs has been slashed in recent years, with the COPS hiring program (once funded at almost \$1.5 billion) and Local Law Enforcement Block Grant program (once funded at approximately \$523 million) both being eliminated.

To address these issues, the Nation's mayors are calling for a new crime initiative to restore the Federal-local partnership on hometown security. As was done under the 1994 Crime Bill, mayors are calling for a Federal trust fund to provide flexible resources for the deployment of law enforcement personnel, support local innovations, fight domestic violence, and fund technology that helps fight crime. Specifically, funding for COPS and the local block grant should be restored, and mayors fully support strong accountability standards tied to these grants. In addition, resources are needed to help promote crime prevention and provide positive alternatives for youth, and address the need to provide alternatives for the more than 600,000 ex-offenders who are coming back into cities each year.

## **3. Community Development Block Grants (Successful Results, Threatened, Double Resources)**

For 32 years, the Community Development Block Grant program has served as a vital resource to help cities, counties, and States meet their unique community development, affordable housing, and economic development needs. Since its enactment in 1974, the program has been, and continues to be, a critical affordable housing and neighborhood revitalization tool for communities. While providing essential services to citizens nationwide, CDBG also improves local economies. According to HUD, in fiscal year 2004 alone, CDBG provided funds for thousands of activities, assisting over 23 million persons and households. CDBG funds a broad spectrum of

activities, including: expanding homeownership opportunities, elimination of slums and blight, improved infrastructure such as roads, water and sewer systems, libraries, fire stations, community centers, adult day care and after school care for children, homeless facilities, employment training, transportation services, crime awareness, business and job creation. In fact, according to HUD, more than 78,000 jobs were created by CDBG in fiscal year 2004 alone.

But over the last several years, CDBG formula grants have been significantly reduced. The program was also targeted for elimination at HUD, and transferred to the Department of Commerce along with 17 other programs at a greatly reduced funding level. In fiscal year 2006, the program was cut by 10 percent, and in fiscal year 2005, the cut was 5 percent, resulting in a 15 percent cut in 2 years. A survey released in March, 2006, by the Conference of Mayors and 20 other organizations found that the reduced formula allocations has had a substantial negative effect on entitlement communities and States.

The Nation's mayors recommend that CDBG formula funding be doubled to \$8 billion. This additional funding would address the delayed projects and activities which have come about because of cuts to CDBG, and further build on the proven record of an effective affordable housing and revitalization program.

#### **4. Affordable Housing Fund**

Last October, the House passed H.R. 1461, the "Federal Housing Finance Reform Act of 2006," creating a strong, world-class regulator for the Government Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac. The legislation would also create a new affordable housing fund with the GSEs contributing initially 3.5 percent increasing to 5 percent of their after-tax earnings for projects in underserved areas.

The Nation's mayors support an affordable housing fund to be administered by the GSEs, (not by HUD or State housing agencies) funded by at least 5 percent of their profits, with local government projects eligible to be assisted.

#### **5. Public Housing**

##### *Operating Subsidies*

On December 28, HUD sent a memo to public housing agencies informing them that they would have to operate with 76 cents for every dollar needed for their operations. This memo, announcing a 24 percent cut, did not take into account an already existing problem: HUD's budget request was \$300 million or more below what the public housing agencies actually needed. When the Continuing Resolution expires on February 15, the situation could actually get worse with Congress holding spending to the fiscal year 2006 level. This would result in an even lower funding level for operating subsidies.

The Nation's mayors support restoration of all public housing operating subsidies in fiscal year 2007, including funding that was not part of the budget request but that is now needed because of utility costs previously not anticipated.

##### *HOPE VI*

HOPE VI for severely distressed public housing has been targeted for elimination over the past several years, but has survived through nominal congressional appropriations. The Nation's mayors support the restoration of HOPE VI to a funding level that returns the program to an effective national tool for public housing development.

#### **6. Infrastructure Tax Incentives and Bonds (Transportation, Water, Wastewater, Brownfields, Energy, Telecommunications, Schools, Affordable Housing)**

Congested highways, crowded schools, transit demand exceeding resources, aging water facilities, and a crumbling energy infrastructure are urgent reminders of the infrastructure crisis that is jeopardizing America's prosperity. From transit to energy, this critical infrastructure has been neglected for far too long by the Federal Government and it is now deteriorating at an alarming rate. And, according to the American Society of Civil Engineers' 2005 Report Card for America's Infrastructure, the Nation's overall infrastructure received a D grade with the Report Card calling for \$1.6 trillion to alleviate our Nation's infrastructure needs.

To address this growing infrastructure threat, the Nation's mayors are calling for tax incentives, bonds, and other measures to support local and State efforts, and stimulate private sector participation, to improve infrastructure including transportation, water, wastewater, brownfields, energy, telecommunications, schools, and affordable housing options in America's cities. These tax incentives and bonds would help create hundreds of thousands of family-wage jobs and revitalize our critical infrastructure across the country at the same time.

## **7. Competitive Workforce**

In this time of global competition, America's economic health depends on the development of a skilled workforce with the knowledge and ability to adapt to an ever-changing economy. Baby boomers are retiring at increasing rates, and the next generation of workers does not have the required post-secondary degree attainment nor the necessary technical skills to replace them. More importantly, and more alarmingly, our emerging workforce is increasingly disconnected from educational pathways and the world of work. High school dropout rates in some cities are as high as 50 percent, and the youth unemployment rate is at its highest level in decades.

The U.S. Conference of Mayors believes that it is crucial to support a sustained commitment to local workforce development programs that produce measurable results to ensure our continued competitiveness in the 21st century global economy. As such, the Nation's mayors call for timely reauthorization of the Workforce Investment Act, and full funding of its programs to ensure a significant investment in life-long learning for every American citizen. In addition, resources are needed to help train and provide employment opportunities for the more than 600,000 ex-offenders who are coming back into cities every year.

## **8. Children and Youth**

### *No Child Left Behind*

Mayors know that better schools make better cities. As they work to more effectively align city policies and programs that affect children and families, mayors are taking on an increasingly stronger leadership role on issues related to public schools. As such, it is critical that mayors be involved in every aspect of No Child Left Behind reauthorization, including discussions on full funding, teacher quality, performance standards, testing and evaluation, and methods of assessment and accountability.

### *Children's Health Insurance*

Mayors recognize that student achievement is inextricably linked to early childhood programs, health and nutrition, social service supports and parental involvement. As such, it is crucial that funding for programs such as Head Start, Early Head Start, the State Children's Health Insurance Program (SCHIP) be increased to their full authorization levels.

### *Summer Youth*

And, to further address these issues, the Nation's mayors are calling for a new summer youth employment initiative to provide funding directly to cities and urban counties for programs that 1) offer educational work experiences that provide linkage between job skills and classroom learning standards; 2) provide skills training and education strategies to young people as part of a local workforce development system that aligns with the labor market demands of local economies; and 3) establish opportunities for skills development and career exposure to young people.

### *After-School Youth*

Mayors also call for an increased funding commitment directly allocated to cities for quality after-school programs. Most specifically, it is crucial to strengthen and fully fund the 21st Century Learning Centers and other after-school programming.

## **9. Homeland Security (9/11 Commission Recommendations Not Completed)**

While significant progress has been made on homeland security since 9/11, more can and should be done to make sure that our Nation's first responders are prepared to prevent, respond and recover from either attacks or natural disasters. We must continue the emphasis on key issues related to airport, port, rail, transit, and border security.

### *Interoperable Communications*

First, a major concern is the limited funding to assist cities and their first responders to achieve full communications interoperability. The Office of Management and Budget estimated interoperability solutions would cost more than \$15 billion, but since 2003, the Department of Homeland Security has only awarded \$2.9 billion in funding for State and local interoperable communications efforts. The Nation's mayors are calling on a well-funded, stand-alone, Federal emergency communications grant program to carry out initiatives to improve interoperable communications, including flexible direct grants to cities and their first responders.

### *Transit Security*

Second, with more than 7.8 billion trips taken on public transit in the first 9 months of 2006, securing this critical infrastructure and protecting riders from ter-



rorist attacks must be a major priority. Congress has allocated only \$386 million to transit security through Fiscal Year 2006, yet according to the American Public Transportation Association, transit agencies have identified \$6 billion in security needs. The Nation's mayors are calling for a flexible Federal transit security initiative to improve security in the areas of communications, surveillance, detection systems, personnel, and training. As we have done with aviation, securing public transit is a Federal responsibility and should not require a local or State match. Furthermore, security funds should go directly to the operator of that system or the jurisdiction providing the security.

*Funding Mechanism*

Third, we must continue to make improvements in the grant application process and delivery mechanism for Federal Homeland Security resources to make sure that the process is user friendly, the funding quickly reaches cities, and that funding is flexible to meet local needs.

**10. Unfunded Mandates/Preemptions**

The passage of the Unfunded Mandates Reform Act of 1995 was a positive step toward restricting the ability of Congress to impose new, costly unfunded mandates on State and local governments, or preempt their ability to fund critical local programs. However, the issue of unfunded Federal mandates remains a major problem. For example, Members of Congress continue to propose legislation that would preempt local governments in areas such as internet access fee collection and wireless telecommunications services.

Therefore, mayors call for new legislation to strengthen the Federal-local partnership and further restrict the ability of Congress to impose unfunded Federal mandates or preempt local authority.

**EXHIBIT B**

THE UNITED STATES CONFERENCE OF MAYORS  
2005 NATIONAL ACTION PLAN ON SAFETY AND SECURITY IN AMERICA'S CITIES  
(WORKING PAPER OF 10/24/05)

**Overview**

One month after the attacks of September 11, 2001, The United States Conference of Mayors brought together mayors, police chiefs, fire chiefs, and emergency services/health care leaders for a Summit in Washington, DC. That Summit resulted in the release of A National Action Plan for Safety and Security in America's Cities focused on transportation security, emergency preparedness and Federal-local law enforcement—which has guided the Conference of Mayors' advocacy efforts for the last 4 years.

Upon assuming the Presidency of The U.S. Conference of Mayors in June of 2005, Long Beach Mayor Beverly O'Neill charged the Conference's relevant standing committees and task forces—including the Criminal and Social Justice Committee, the Transportation and Communications Committee, the Homeland Security Task Force, and the Mayors and Police Chiefs Task Force—to review the progress that has been made on the National Action Plan and make recommendation on needed refinements and new priorities.

This effort became more urgent following Hurricanes Katrina and Rita that devastated cities in Louisiana, Mississippi, Alabama, and then Texas. As Mayor O'Neill and the Conference learned firsthand during a mission to the New Orleans/Baton Rouge/Gulf Coast area on September 15–16 to meet with New Orleans Mayor Ray Nagin and dozens of other impacted mayors, additional changes are needed in the Federal-local partnership on disaster preparedness and response.

The discussion on these updated priorities began on September 23–24 during the Conference's Fall Leadership Meeting in Long Beach, and culminated in an emergency meeting in Washington, DC, on October 23–24 of key mayors and local public safety personnel. Following are key recommendations and priorities that have emerged from these discussions in five areas:

- I. Fixing the FEMA Disaster Response System
- II. Military Involvement in Disaster Response and Recovery
- III. Communications Interoperability
- IV. Enhanced Transportation Security
- V. First Responder Funding—A Better Distribution System Is Needed

These recommendations will be carried to Congress and the Administration, and will be further discussed and refined during the 74th Winter Meeting of The U.S. Conference of Mayors to be held in Washington, DC, on January 25–27, 2006.

### **I. Fixing the FEMA Disaster Response System**

Mayors and local police, fire and emergency medical services personnel are America's true first responders to any disaster, whether natural or man-made.

Mayoral concerns with the state control on homeland security and disaster preparedness and response relate to what mayors experienced during Hurricanes Katrina and Rita.

Mayors recognize the important role of FEMA, the states, and the National Guard in responding to disasters. But as the Conference of Mayors learned from its mission to the Gulf Coast area following Hurricane Katrina, the fact is that aid did not come in time.

For example, in the early days of response to Hurricane Katrina, mayors were told by DHS that all offers of assistance to the impacted area had to be made through their states, and that these offers would then be coordinated through the Emergency Management Assistance Compact, or EMAC, system.

For some cities this seemed to have worked. But others found this system very slow to respond, and were forced to self-deploy first responder and other resources to the area. Mayors do not like to watch television for days after a disaster and see areas that reporters can get to, but seemingly no Federal resources, and then be told that they cannot send help.

Virtually every municipality has entered into "mutual aid" or "inter-local" agreements for first responder activities, debris removal, etc. However, as was seen with Hurricanes Katrina and Rita, such agreements were rendered useless as almost all municipalities in the respective target region required full deployment of their personnel and assets. What should be explored is the ability of municipalities to enter into such "mutual aid" agreements with other cities/metro areas with geographic dispersion to enable regions to provide "real time" assistance and aid to the target region.

In addition to the issue of disaster response, there are many questions that continue to be raised by cities regarding disaster recovery assistance, such as housing and reimbursement policies. We were pleased that Congress recently approved \$750 million in loans for hurricane hit cities, which was a major priority for our organization following our mission to the New Orleans/Baton Rouge/Gulf Coast area. However, we were outraged that Congress adopted language that would—for the first time—prohibit these loans from being forgivable by FEMA, even if local conditions necessitate.

*Therefore:*

- Congress and the Administration should implement a more focused process to work directly with mayors and first responders to review and make changes to the national disaster preparedness and recovery process.
- Congress must reverse its decision to make loans to cities hard hit by Hurricanes Katrina and Rita, under the Disaster Assistance Loan Program, non-forgivable.
- Congress and the Administration should work with The U.S. Conference of Mayors to authorize a mechanism that would allow city-to-city mutual aid agreements to trigger reimbursement procedures and liability protection under the Stafford Act during an emergency.
- The Federal Government should utilize untapped resources through the development of specialized "go-teams" to respond to major events who could be the liaisons with local mayors, EMS, police and fire departments (at the executive level) to assist in the response of FEMA and other Federal assets.
- The Federal Government should support funding for training on an all-hazards approach by allowing local jurisdictions the flexibility to quickly adapt and meet local needs, we will be better prepared to respond to natural disasters like Hurricanes Katrina and Rita, as well as terrorist attacks we hope won't come.
- Congress and the Administration must work with mayors to better define Federal reimbursement and other policies related to housing, transportation, and health and human services for evacuees from disasters—and how these policies are coordinated across Federal agencies.

## II. Military Involvement in Disaster Response and Recovery

The use of military armed forces to support civilian response is conditioned by certain legal restrictions that define their possible activities. The military is precluded, except under certain circumstances, from conducting law enforcement operations in civilian setting under the Posse Comitatus Act.

More recently, the Stafford Act has broadened the military's role in civil support. Under the Stafford Act, the military may engage in:

- Debris removal and road clearance
- Search and rescue (EMS)
- Sheltering and feeding
- Public information
- Providing advice to local government on disaster and health/safety issues

Under the Stafford Act the military may not engage in:

- Traffic control
- Security at non-Federal facilities
- Patrolling civilian neighborhoods except to provide humanitarian relief

Clearly, there are events of a certain nature that require immediate military intervention and/or pre-staging. For example:

- The detonation of a nuclear device, such as a suitcase nuclear device, would be expected to render the local and state government incapable of mounting adequate disaster response.
- Widespread biological attack or disease outbreak would require national command and control measures be implemented.
- Mega-catastrophes such as Katrina and Rita that could be reasonably anticipated to overwhelm local and state response capabilities.

The military can also offer expertise in many areas that support disaster relief:

- Ability to mobilize large numbers of self-sufficient personnel.
- Advanced logistical operations support.
- Experience with command and control methodologies just now being implemented at the local level via NIMS.
- Capability to provide mass feeding, water, shelters and other support to disaster victims.
- Easily move across political boundaries.
- Provide specialized equipment and trained personnel to address incidents involving chemical, biological, radiological, nuclear, and explosive (CBRNE) agents.
- Re-establish critical infrastructure including communications and mass care.

The current legal paradigm is that the military is viewed as the "resource of last resort" deployed to restore order. However, Hurricanes Katrina and Rita have given us reason to re-evaluate this paradigm. Because of the sheer magnitude of the hurricane events recently experienced, and because acts of terrorism may spring up during or in the wake of such natural disasters, it is advantageous to consider an increased role for the military in disaster response.

Immediately after a storm occurs is the time when the military is most needed, not to take over the duty or responsibility of a mayor or a Governor or a county commissioner—not to impose by itself martial law or make police power decisions. Those decisions, of course, must still be the province of elected officials. But what the military has is the skills, the experience, the training, the duty, responsibility to help restore order after there has been a disaster, and to marshal the equipment, training and manpower to put things back together because they have to do that in a time of war.

*Therefore:*

- The Federal Government should allow for greater military involvement in the immediate response to such overwhelming disasters, at the very least during the first days and weeks of response and when requested by local or state governments.
- Cities need a mechanism to request direct assistance in form of military assets during a major natural disaster or terrorist attack. It is too cumbersome for cities to have to go through the state apparatus.
- The Federal Government should identify a lead military agency to work directly with local governments on the deployment of Federal resources needed immediately prior to and after a disaster.

### III. Communications Interoperability

Major incidents, whether the 9/11 attacks, the Oklahoma City bombing, Hurricanes Katrina and Rita, or tornadoes or floods, repeatedly show the criticality of first responder communications.

#### *Interoperable Communications*

A major concern related to communications interoperability is the limited access to spectrum for public safety. The limited availability of spectrum continues to force first responders to operate on several different and incompatible and congested voice channels. This continues to be identified by mayors and their first responders as an obstacle to achieving full interoperability—as identified in the Conference’s 2004 Interoperable Communications Survey of 192 cities.

For example, in our survey:

- Of the cities with a major chemical plant, 97 percent reported that they did not have interoperable capability between the chemical plant, police, fire and emergency medical services.
- 60 percent of the cities reported that they did not have interoperable capability with state emergency operations centers.
- 75 percent of the cities said that limited funding was preventing achieving full interoperable capability.

It is essential to have access to this spectrum to enable deployment of advanced mobile technologies such as images and video to police, fire and other emergency responders. A major barrier to public safety interoperability is cost. The Office of Management and Budget (OMB) estimated interoperability solutions would cost more than \$15 billion.

According to the Conference’s 2004 survey on interoperable communications:

- Cities under 100,000 reported an average of \$4.7 million in funding is needed to achieve full interoperability.
- Cities of 100,001 to 400,000 require approximately \$5.4 million to achieve full interoperability.
- Cities over 400,001 reported an average of \$30 million is needed to achieve full interoperability.

#### *Therefore:*

- Congress must make expansion of the communications spectrum for public safety a Congressional priority by establishing a firm date for the transition of analog broadcast to digital as close to December 31, 2006, as possible.
- Congress should provide urgent funding to assist cities and their first responders achieve full interoperability.
- Congress and the Administration should require cellular, VOIP and other advance telecommunications to provide 911, reverse 911 (preemptive) and other emergency communications.
- Congress and the Administration should provide the funding and infrastructure support for emergency first responder redundant telecommunications systems.
- Congress and the Administration should work with the military to provide redundant telecommunications communications systems for first responders during emergencies.

#### *3-1-1 Communications*

The U.S. Conference of Mayors recognized in December 2001 in “A National Action Plan for Safety and Security in America’s Cities” that in the event of a terrorist attack using weapons of mass destruction a city’s 9-1-1 system could be quickly overwhelmed and, therefore, 3-1-1 systems should be put in place to handle the large volumes of incoming calls from citizens.

The Department of Homeland Security’s Authorized Equipment List currently includes under the Terrorism Incident Prevention Equipment category items such as data collection and information gathering software, alert/notification systems and hardware/software that allow for information exchange and dissemination; and under the Interoperable Communications Equipment category includes public notification and warning systems and computer-aided dispatch systems; and under the Information Technology category includes tracking and accountability systems.

3-1-1 systems can facilitate post-incident recovery efforts by tracking damage assessment and providing a detailed accounting of clean-up efforts that is required for Federal or state assistance. Unfortunately, DHS recently ruled in a letter to the Conference of Mayors that 3-1-1 systems are not eligible under first responder funding because, “they are not specifically devoted to non-emergency situations and are

not related to the inherent homeland security mission of the Department of Homeland Security.” However, mayors strongly believe that dual use of homeland security equipment is essential for homeland security and fiscal responsibility.

*Therefore:*

- Congress and the Administration must clarify that 3-1-1 systems are an allowable cost under its homeland security grant programs and to make explicit reference to 3-1-1 systems in the Authorized Equipment List.

#### **IV. Enhanced Transportation Security**

##### *Public Transportation: Bus and Rail*

With more than 9.6 billion trips logged on the Nation’s public transportation systems in 2004, securing this critical infrastructure and protecting riders from potential terrorist attacks rank as a high priority.

Despite the fact that Americans use public transportation 32 million times each weekday, and with the growing number of terror attacks on bus and rail systems worldwide, such as the attacks this summer in London killing more than 50, and last year in Madrid killing 191 and Moscow killing 41, since 9/11, bus and rail public transportation have received only \$400 million in Federal security grants. By contrast, in 2004, transit agencies identified \$6 billion in security needs, including \$5.2 billion in capital and \$800 million in operating.

*Therefore:*

- Congress and the Administration should fund deployment of security and communications technologies including:
  - Voice and video interoperable communication systems;
  - Security cameras onboard public transportation vehicles and in bus and rail stations;
  - Video surveillance and threat detection cameras;
  - Increased surveillance via closed circuit TV; and
  - Automated bus and rail locator systems.
- Congress and the Administration should fund security infrastructure expansion, modernization and rehabilitation including:
  - Permanent chemical, biological and explosive detection systems;
  - Fencing and barriers, lighting, alarms and access control for tunnels, bridges, interlockings, track, yards, and facilities;
  - Redesign of infrastructure to eliminate hiding places; and
  - The life safety program in New York City and to rehabilitate existing Baltimore and Washington, DC, tunnels.
- Congress and the Administration should clarify that Federal public transportation security funding can be used for extra personnel during heightened alert levels, payment for overtime costs, reassignment of law enforcement officers and increased training for security personnel.
- Congress and the Administration should provide flexible funding of at least \$6 billion, \$2 billion per year over a 3-year period, to safeguard the nation’s bus and rail critical infrastructure.

##### *Port Security*

Not enough is being done about security at our Nation’s ports. Ports remain exposed to large-scale acts of terrorism, including weapons of mass destruction or other dangerous materials. For example, according to the Government Accountability Office in a May 2005 report, only 17.5 percent of containers deemed “high risks” were being inspected.

A terrorist act involving chemical, biological, radiological, or nuclear weapons at one of these seaports could result in extensive loss of lives, property, and business; affect the operations of harbors and the transportation infrastructure (bridges, railroads, and highways) within the port limits; cause extensive environmental damage; and disrupt the free flow of trade. Port security remains largely under-funded at the Federal level. Since 2002, the Department of Homeland Security Port Security Grant Program has provided \$882 million for seaports. In contrast, the U.S. Coast Guard has estimated that ports would have to spend \$5.4 billion over 10 years to meet Federal mandated port security enhancements. That’s on top of the more than \$3 billion ports have to spend already annually on infrastructure improvements and operations, maintenance and personnel expenses just to keep pace with world trade.

*Therefore:*

- Congress and the Administration should provide full and flexible funding for port security needs including:
  - Improvised Explosive Device (IED) Detection and Prevention Systems;
  - Video Surveillance and Threat Detection Cameras;
  - Fiber Optic Communications Connectivity;
  - Access control communications;
  - Command and control facilities; and
  - Personnel and detection dogs for screening and checking cargo and passengers.
- Congress and the Administration should provide a Federal funding mechanism to sustain the significant annual operating costs for the reoccurring maintenance of the new security systems and security personnel salaries that have not yet been identified.
- Congress and the Administration should direct the Department of Homeland Security to issue Letters of Intent for multi-year funding to ports with plans to carry out long-term security improvements.

#### *Freight Rail*

Each day hundreds of thousands of shipments of extremely hazardous materials such as chlorine, ammonia, phosphoric acid, and molten sulfur travel through the hearts of our cities and near critical infrastructure. A major break of a single tanker of hazardous materials can result in mass casualties.

The U.S. Conference of Mayors supports advance notification for hazardous freight rail. Mayors recognize that there are sensitive issues that need to be addressed, such as concern that terrorists might also mistakenly gain access to such information, and the freight rail carriers are apprehensive about sharing their client's proprietary commercial information. We want to work with Congress and the Administration to address these issues so a system of advance notification can be implemented.

*Therefore:*

- Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to conduct an assessment of freight railroad notification procedures for the transport of hazardous materials through local jurisdictions.
- Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to establish a coordinated system for notifying appropriate local first responders of the transportation of rail hazardous materials through local jurisdictions, including a rail carrier's comprehensive list of all hazardous materials scheduled to be transported.
- Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to work with railroad operators to increase physical security measures surrounding shipments and storage of hazardous materials, with such increases to include the number of hazardous materials inspectors employed by the Federal Railroad Administration, lighting fencing, alarms and access control for tunnels, bridges, interlockings, tracks, yards, and facilities.

#### *Airport Security*

Mandated to screen all checked baggage using explosive detection systems at airports by December 31, 2003, the Transportation Security Administration (TSA) deployed two types of screening equipment: explosives detection systems (EDS), which use computer-aided tomography X-rays to recognize the characteristics of explosives, and explosives trace detection (ETD) systems, which use chemical analysis to detect traces of explosive material vapors or residues.

TSA has made substantial progress in installing EDS and ETD systems at the nation's more than 400 airports to provide the capability to screen all checked baggage using explosive detection systems, as mandated by Congress. However, in initially deploying EDS and ETD equipment, TSA placed standalone ETD and the minivan-sized EDS machines—mainly in airport lobbies—that were not integrated in line with airport baggage conveyor systems. TSA officials stated that the agency's ability to initially install in-line systems was limited because of the high costs.

*Therefore:*

- Congress and the Administration should significantly increase funding and reimburse airports at the statutorily authorized Federal share for in-line baggage and cargo screening system and airport facility expansion to accommodate in-line systems to streamline airport and TSA operations, reduce screening costs, and enhance security.
- The U.S. Conference of Mayors reaffirms our policy calling for a fully Federalized workforce at points of passenger, baggage, and cargo inspections.

#### **V. First Responder Funding—A Better Distribution System Is Needed**

Since the early days after September 11, 2001, there was serious concern that an over-reliance by the Federal Government on a multi-layered, state-based distribution system for first responder resources and training, which then often is further channeled through counties, would be slow and result in delays in funding reaching high-threat, high-risk population cities.

Unfortunately, the many surveys the Conference of Mayors conducted proved this to be the case. Time and time again, these surveys have showed that money was not reaching cities quickly, and when it did reach cities, it often came with Federal restrictions and rules that made it very difficult to spend on what was needed most, such as limitations on the use of overtime.

By raising concern on this issue through the release of our studies, we were able to get support from President George W. Bush and former Department of Homeland Security (DHS) Secretary Tom Ridge to examine why money was “stuck” in many States. The special DHS task force created to work on this effort came up with a number of helpful recommendations, some of which, like a waiver from the Cash Management Act, have been implemented for new funding. Some additional flexibility for the use of overtime, especially for the larger cities, has also been provided. But the DHS task force was not allowed to even consider the issue of direct funding for cities.

Congress did create a new high-threat urban areas program, called UASI (Urban Area Security Initiative), which ensures that some of the bigger metro areas get funding, but this funding is still sent through the States. And, major changes to the current state-based system still have not been made.

Now, Congress is using the fact that because previous money they have appropriated is not being spent fast enough—as mayors predicted—it is now acceptable to cut funding. Over the last 2 years, funding has been cut by more than a billion dollars.

And, the Administration and Congress have been slashing funding for key law enforcement programs like COPS and the local law enforcement block grant since 9/11. Their stated argument was that cities would be getting funding from Homeland Security, so did not need it for law enforcement programs. But, Homeland Security funding cannot be used to put officers on the streets like COPS can, and the eyes and ears of officers on the streets can be the best defense against acts of terrorism.

Mayors strongly support regional cooperation, and have been working across city boundaries to enhance mutual aid agreements and develop new concepts such as regional logistics centers for the management and deployment of resources. However, mayors believe that a slow, complicated, and multi-layered distribution system for Federal resources is not necessary, and in fact counterproductive, for fostering regional cooperation.

*Therefore:*

- Congress should increase, not decrease, funding for key first responder grant programs.
- Authorizing legislation should ensure that the waiver of the Cash Management Act, approved by Congress for fiscal years 2005 and 2006, is made permanent, and made retroactive for fiscal years prior to 2005.
- Congress and the Administration should support the establishment of regional logistics centers, not only those previously established under the Pre-Positioned Equipment Program within ODP, but also additional capabilities to be established under regional control, to help consolidate State and local assets, provide life-cycle management and maintenance of equipment, allow for easy identification and rapid deployment during an incident, and allow for the sharing of inventories across jurisdictions.
- Congress should work with the Conference of Mayors to make other refinements needed to the first responder program.
- Congress should restore funding for key law enforcement/homeland security programs like COPS and the Justice Assistance Grant program, and allow De-

partment of Homeland Security first responder funding to be used for hiring and overtime for police, fire, and EMS personnel.

- Congress should amend the current state-based system for distribution of Federal first responder assistance to provide a significant portion of the funding directly to cities and local areas.

## EXHIBIT C

### ENHANCED TRANSPORTATION SECURITY: PUBLIC TRANSPORTATION

*Whereas*, the issue of public transportation security is a vital component of every community; and

*Whereas*, public transportation security in the U.S. must be maintained on the rails, highway and waterways; and

*Whereas*, mayors are owners and/or operators of many of the major public transportation facilities and systems in the Nation and securing these systems and protecting users from potential terrorist activity is a high priority; and

*Whereas*, with more than 9.7 billion trips logged on the nation's public transportation systems in 2005, with public transportation growing at a faster rate than highway travel, securing this critical infrastructure and protecting riders from potential terrorist attacks rank as high priorities; and

*Whereas*, despite the fact that public transportation is growing faster than any other mode of transportation, and with growing number of terror attacks on bus and rail systems worldwide, such as the London attacks in 2005 killing more than 50, and in 2004 in Madrid killing 191 and in Moscow killing 41, since 9/11, bus and rail public transportation have received only \$545 million in Federal security grants; and

*Whereas*, by contrast, in 2004, transit agencies identified \$6 billion in security needs, including \$5.2 billion in capital and \$800 million in operating; and

*Whereas*, transit authorities have significant and specific transit security needs:

- Based on the American Public Transportation Association's 2003 Infrastructure Database survey, over 2,000 rail stations do not have 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 do not have security cameras;
- Fewer than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to know the location of the bus when an emergency occurs;
- Nearly 75 percent of demand response vehicles lack these AVLs;
- Furthermore, no transit system has a permanent biological detection system; and
- Only two transit authorities have a permanent chemical detection system; and

*Whereas*, public transportation requires state-of-the-art technology (that is currently in the research and development stage) to detect and/or neutralize potential chemical, biological, radiological and/or nuclear attacks at our stations, on board our trains and buses, as well as throughout our nation's mass transit infrastructure; and

*Whereas*, such technologies must be able to interface with existing technologies and work effectively under the open system that mass transit operates under today; and

*Whereas*, further, research and development can also address the rising operating costs associated with added security personnel; and

*Whereas*, an investment in public transportation security programs, resources and infrastructure, provides a direct benefit in preparation and response to natural disasters,

*Now, Therefore, Be It Resolved*, that The United States Conference of Mayors urges the Administration and Congress to provide at least \$560 million in the FY07 Department of Homeland Security Appropriations bill for transit security grants to assist public transportation systems to continue to address the \$6 billion in security needs identified by transit agencies; and

*Be It Further Resolved*, that The United States Conference of Mayors urges the Administration and Congress to support a robust and dedicated funding source for transit-related research and development technology; and

*Be It Further Resolved*, that The United States Conference of Mayors urges the Administration and Congress to fund deployment of security and communications technologies including:

- Voice and video interoperable communication systems;



- Security cameras on board public transportation vehicles and in bus and rail stations;
- Video surveillance and threat detection cameras;
- Increased surveillance via closed circuit TV; and
- Automated bus and rail locator systems; and

*Be It Further Resolved*, that The United States Conference of Mayors urges the Administration and Congress to fund security infrastructure expansion, modernization and rehabilitation including:

- Permanent chemical, biological, and explosive detection systems;
- Fencing and barriers, lighting, alarms and access control for tunnels, bridges, interlockings, track, yards, and facilities;
- Redesign of infrastructure to eliminate hiding places; and
- The life safety program in New York City and to rehabilitate existing Baltimore and Washington, DC, tunnels.

---

### **PREPARED STATEMENT OF WILLIAM W. MILLAR**

PRESIDENT, AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

JANUARY 18, 2007

Mr. Chairman, thank you for this opportunity to provide testimony to the Senate Committee on Banking, Housing, and Urban Affairs 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.

#### **About APTA**

The American Public Transportation Association (APTA) is a nonprofit international association of more than 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. More than 90 percent of the people using public transportation in the United States and Canada are served by APTA member systems.

#### **Overview**

Mr. Chairman, public transportation is one of the Nation's critical infrastructures. We cannot overemphasize the critical importance of the service we provide in communities throughout the country. Americans take more than 9.7 billion transit trips each year. People use public transportation vehicles over 33 million each weekday. This is more than sixteen times the number of daily boardings on the Nation's domestic airlines.

In particular, we want to recognize and thank this committee for its leadership in advancing legislation that enhances the Federal role in protecting transit users against terrorism. The Banking, Housing, and Urban Affairs Committee has unanimously approved transit security bills in each of the last two Congresses, both of which also passed the Senate unanimously, and its leadership led the successful effort in the Senate to amend the port security bill last year to include a transit security authorization. We appreciate the Committee's decision to make transit security a priority in the new Congress, and the work you have done with the Senate Committee on Homeland Security and Governmental Affairs and other committees with jurisdiction over homeland security.

Safety and security are the top priority of the public transportation industry. The Government Accountability Office (GAO) released a report several years ago which said "about one-third of terrorist attacks worldwide target transportation systems, and transit systems are the mode most commonly attacked." 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 over \$2.5 billion on security and emergency preparedness programs, and technology to support these programs, from their own budgets with only minimal federal funding. Last year's attacks in Mumbai and the previous attacks in London and Madrid further highlight the need to strengthen security on public transit systems in the United States and to do so without delay. We need to do what we can to prevent the kind of attacks that caused more than 400 deaths and nearly 3,000 injuries on rail systems in Mumbai, London, and Madrid.

We urge Congress to act decisively. While transit systems are doing their part, we need the Federal Government to be a full partner in the fight against terrorism.

Terrorist attacks against U.S. citizens are clearly a Federal responsibility and the Federal Government needs to increase spending on transit security. In light of the documented needs, we urge Congress to increase Federal support for transit security grants to assist transit systems in addressing the \$6 billion in identified transit security needs. Last year, we asked Congress to provide no less than \$545 million in the Homeland Security Appropriations bill. Funding at that level annually would allow for dramatic improvement in security for the Nation's transit users over a 10-year period. Federal funding for additional security needs should provide for both hard and soft costs as described below and be separate from investments in the Federal transit capital program.

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 respectfully 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 agencies 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.

As transit security is part of the larger war on terrorism, Federal funding for transit security grants should be provided with no state or local match requirement. The requirement of a local or state match would have detrimental consequences that would create a scenario of disparity that ensures stronger security only to regions with available local funding. A local match would require the approval of a local governing body. This approval would not be possible to obtain under the current DHS transit security structure, which does not allow transit providers to anticipate their funding levels or know what projects will be funded. Once the project to be funded is identified, the local governing body would need to approve funding in an open, public forum, where specific project information would be discussed. This would be problematic for security sensitive projects.

### **Background**

In 2004 APTA surveyed its U.S. transit system members to determine what actions they needed to take to improve security for their customers, employees, and facilities. In response to the survey, transit agencies around the country have 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 was allocated for transit systems by DHS for 20 transit systems. In FY 2004, \$50 million was allocated by DHS for 30 transit systems. In FY 2005, Congress specifically appropriated \$150 million for transit, passenger and freight rail security. Out of the \$150 million, transit received \$135 million. In FY 2006, Congress appropriated \$150 million. Out of the \$150 million, transit received \$136 million. In FY 2007, Congress appropriated \$175 million. Out of \$175 million, transit is slated to receive \$163 million. We are very appreciative of these efforts. However, in the face of significant needs, more needs to be done.

It is important to point out that there have been significant efforts in support of transit security authorization legislation in the Senate. As noted earlier, the Senate in 2004 and 2006 unanimously passed legislation that would have provided \$3.5 billion over 3 years for transit security. That legislation was reported out of this Committee, and we very much appreciate the Committee's support in that regard. We look forward to working with the Committee on these and other issues important to the transit industry.

Transit authorities have significant and specific transit security needs. Based on APTA's 2003 Infrastructure Database survey, over 2,000 rail stations do not have 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 do not have security cameras. Less than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to know the location of the bus if an emergency occurs. Nearly 75 percent of demand response vehicles lack these AVLs. Furthermore, no transit system has a permanent biological detection system. In addition, only two transit authorities have a permanent chemical detection system. A more robust

partnership with the Federal Government could help to better address many of these specific needs.

We are disappointed that the Administration proposed only \$600 million for a Targeted Infrastructure Protection Program in last year's FY 2007 DHS budget proposal, which would fund infrastructure security grants for transit, seaports, railways and other facilities. We are also disappointed that the Administration failed to include a specific line item funding amount for transit security. We look forward to working with the Administration and Congress to increase transit security funding and better address unmet transit security needs throughout the country.

APTA is a Standards Development Organization (SDO) for the public transportation industry. We are now applying our growing expertise in standards development to transit industry safety and security, best practices, guidelines and standards. We have already begun to initiate our efforts for security standards development and we have engaged our federal partners from both the DHS and Department of Transportation in this process. We look forward to working with the Administration and Congress in support of this initiative. Unfortunately, DHS has not agreed to provide funding to APTA in this effort. We respectfully urge Congress to provide \$500,000 to the DHS so that it 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 such standards and practices consistent with what we have already seen through the Federal Transit Administration (FTA). 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.

We also would like to work with Congress and the Department of Homeland Security's Directorate of Science and Technology to take a leadership role in advancing research and technology development to enhance security and emergency preparedness for public transportation.

#### **Information Sharing**

Since the terrorist attacks of September 11, 2001, public transit systems across the country have worked very hard to strengthen their security plans and procedures. They have also been very active in training personnel and conducting drills to test their capacity to respond to emergencies. Also, to the extent possible within their respective budgets, transit systems have been incrementally hardening their facilities through the introduction of additional technologies such as surveillance equipment, access control and intrusion detection systems. While transit systems have been diligent, they have been unable to fully implement programs with the current levels of 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 a very successful Public Transit ISAC that operated 24 hours a day, 7 days a week, and gathered information from various sources, including DHS, and then 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 then 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. However, we believe that consistent, ongoing and reliable funds from Congress should be provided for the Public Transit ISAC that 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.

In addition, APTA's membership includes many major international public transportation systems, including the London Underground, Madrid Metro, and the Moscow Metro. APTA also has a strong partnership with the European-based transportation association, the International Union of Public Transport. Through these relationships, APTA has participated in a number of special forums in Europe and Asia

to give U.S. transit agencies the benefit of their experiences and to help address transit security both here and abroad.

#### **Cost of Heightened Security**

Following the attacks on London in 2005, 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. These costs totaled \$900,000 per day for U.S. 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 in 2005 with the Lockheed Martin Corporation. In fact, NY-MTA plans to spend over \$1.1 billion through 2009 on transit security.

#### **Security Investment Needs**

Mr. Chairman, since the awful events of 9/11, the transit industry has invested more than \$2.5 billion of its own funds for enhanced security measures, building on the industry's already considerable efforts. 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 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 overtime 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 onboard 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 would require that transit authorities beef up security and to take a series of precautions to 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.

#### **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 Transportation Cooperative Research Program (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.

APTA has long-established safety audit programs for commuter rail, bus, and rail transit operations. Within the scope of these programs are specific elements pertaining to Emergency Response Planning and Training as well as Security Planning. In keeping with our industry's increased emphasis on these areas, the APTA Safety Management Audit Programs have been modified to place added attention to these critical elements.

#### **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. We need the Federal Government increase its support for transit security grants that will help transit systems continue to address the \$6 billion in identified transit security investment needs. 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 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. Again, we appreciate the Committee's strong support for transit security in recent years. 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 Committee for allowing us to provide testimony on these critical issues and look forward to working with you on safety and security issues.

---

#### **PREPARED STATEMENT OF WARREN S. GEORGE**

INTERNATIONAL PRESIDENT, AMALGAMATED TRANSIT UNION

JANUARY 18, 2007

Chairman Dodd, Ranking Member Shelby, and Members of the Committee, on behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), I want to thank you for giving me the opportunity to testify today on the ATU's priorities and strategies for enhancing transit security.

I applaud this Committee's efforts over the past several years to work together, in a bipartisan manner, to address this important issue.

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—in particular, we firmly believe that all transit employees should receive training to prepare them to prevent and respond to a terrorist or other emergency incident.

Mass transit, 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 recent examples of the Mumbai, London, Moscow, and Madrid bombings—all within the last 3 years—are tragic examples of this reality.

In London we saw 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 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.

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.

And this isn't just happening in our rail systems. In Israel and elsewhere, buses have too often been the unfortunate targets of terrorist bombings.

We would be foolish to think that similar incidents couldn't happen on our soil, in our transit systems.

#### **The ATU's Role in Transit Security**

Faced with this reality, the ATU has for years worked to raise the awareness of our members and their 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 strongly 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, including many members of this committee.

Shortly after September 11, 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 United States. 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, including on October 4, 2001, before a subcommittee of this committee. We have continuously advocated for increased funding for transit security enhancements, and have assisted in developing legislation, including legislation introduced by Members of this Committee, that would enhance transit security.

#### **The Need for Federal Government Action**

Many transit agencies 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 passengers and employees deserve.

The Federal Government has not yet stepped up to the plate.

More than 2 years ago, Congress directed the Administration to take comprehensive steps to address transportation security risks, including risks faced by the transit industry. It was not until a little over a month ago that President Bush issued

an order to Secretary Chertoff to draft a plan to address security issues in the transit industry.

Now is not a time for drafting plans, it is a time for concrete action. The Federal Government must provide funding directly to transit agencies for security purposes and must ensure that transit employees are prepared in the event of an emergency.

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. The deficiency in security funding for this industry 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 the budget requests submitted by the Administration have been woefully inadequate.

### **Security Training for Transit Employees**

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 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 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 recently told another Senate Committee 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 that “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 publicly recognized the need for this training. In fact, a list of 17 “Action Items for Transit Agencies,” jointly-developed by TSA and FTA, includes establishing and maintaining a security and emergency training program for all employees. And yet little, if anything, is being done to ensure that this 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 the 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.

What is most surprising is that many of the members I hear this from are 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 DC, 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 suspicious 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 a House Subcommittee, 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.” By FTA’s own numbers, presented in testimony before another House Subcommittee last fall, NTI’s training program—which is funded and developed in coordination with FTA and is considered to be the leading security training program in the transit industry—has only been provided to less than a quarter of our Nation’s transit employees. 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 the 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 costs 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 the will of the industry is, as experience dictates, not sufficient.

#### **The Public Transportation Terrorism Prevention Act**

I want to applaud the members and leaders of this committee, in this Congress and the previous two sessions of Congress, for recognizing the need for Federal Government action in this realm. The Public Transportation Terrorism Prevention Act, which has twice passed this Committee, would go a long way toward addressing the needs of the Nation’s transit systems and their employees.

Not only would this legislation provide significant funding resources for crucial capital enhancements, such as perimeter protection systems, communications equipment, and decontamination equipment, but it also recognizes the need for training and would provide dedicated funding for necessary frontline employee training, drills, and exercises. The ATU is very supportive of these provisions.

In addition, we appreciate that this legislation would provide these grants directly to the transit agencies, as opposed to funneling the money through the states. We believe this will allow for more effective and efficient use of these much needed funds. Further, we strongly support the provisions requiring, as a condition of receiving grant funds, that transit agencies identify a security coordinator and develop a comprehensive plan for use of the funds.

I would, at this time, however, urge this committee to go one step farther and require, as an additional condition of receiving grant funds, that a transit agency provide security and emergency preparedness training to all frontline employees, including vehicle operators, maintenance personnel, and customer service providers.

Such a requirement has been included in bills introduced in the last Congress by the leadership of the House Transportation and Infrastructure Committee and the current leadership of the House Homeland Security Committee. We are currently working with the leadership on both of these committees to draft new legislation that would include a training requirement. It is my understanding that this legislation will be introduced in late January or February.

Significantly, security and emergency preparedness training has already been required for workers in other transportation modes including, most recently, port and longshore workers and carriers of hazardous materials. Legislation introduced and passed last session by the Senate Committee on Commerce, Science, and Transportation would likewise require training for all rail workers.

We need to take action now to address the security needs of the transit industry—and most importantly to train the workers in this industry.

We urge this Committee to act expeditiously to markup legislation that would include the necessary funding and training. 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.

---

**PREPARED STATEMENT OF AURELIO ROJO GARRIDO\***  
OPERATIONAL DIRECTOR, METRO MADRID, AND SECRETARY GENERAL, ASSOCIATION OF  
LATIN AMERICAN METROS AND SUBWAYS (ALAMYS)

JANUARY 18, 2007

---

**PREPARED STATEMENT OF TIM O'TOOLE**  
MANAGING DIRECTOR, LONDON UNDERGROUND, TRANSPORT FOR LONDON, ENGLAND

JANUARY 18, 2007

I shall provide a brief overview of the London Underground's (LU) current performance and its security situation with particular reference to July 7, 2005—how we dealt with that incident, how we prepared for such an incident, and what we have done since.

LU has made great strides in the past 4 years. We are carrying record numbers of passengers—nearly 4m journeys on 1 day in December and well over a billion journeys annually— and delivering more train kilometres than ever before. We are the oldest Underground subway in the world, and that distinction is our charm and our burden. We are determined to bring the system into the 21st century supporting London's continuing growth. As a consequence, the system is undergoing the biggest transformation in its history, with a massive rebuilding and change programme. Yet customer satisfaction is also at an all time high. That is largely down to the professionalism and commitment of management and staff, which in turn stems from their training and experience.

It is those factors which were also at the root of the Tube's ability to withstand and very rapidly recover from the attacks of July 7, 2005. Also vital was the multi-agency planning that was put in place following September 11 by the U.K. Government, supported by the Mayor of London. LU was fully involved in that planning, with a senior manager seconded to the London Resilience team since it was established, to ensure that the operational realities of a mass transport metro system can be properly considered in political and investment decisions.

This team has led work in areas of planning such as evacuation of parts of London, response to chemical, biological, and radiological attacks, and most visibly has arranged tabletop and live emergency exercises to test preparedness for such attacks. The largest of these was a weekend exercise at Bank London Underground Station which simulated a chemical attack at one of the largest, most complex stations on the network. This was a multi-agency exercise which was also attended by political leaders. This is in addition to the regular exercises that we hold with our own and emergency services staff to test our readiness for a wide variety of operational emergency situations. The learning from all these exercises played a vital role for Underground senior managers in revising training and in their own actions on July 7.

The training that all staff receive is in my view the most important factor in dealing with emergency situations. Our ability on July 7 to evacuate around a quarter-of-a-million people from the network within an hour, without injury, is testimony to that. As is the restoration of services by the following morning. Our experience teaches us that you must invest in your staff and rely on them; you must investigate and invest in technology but do not rely on it. The professionalism and competence of our staff made the difference on the day.

In terms of what can be done to secure mass transit systems, we are in a very different position to some other forms of transport. One has only to buy a ticket to secure largely unrestrained access to the public areas of the system—500 trains, 275 stations—along with millions of fellow passengers. The phenomenon of the suicide bomber is one where conventional responses will not be enough.

---

\*"The Security Model of Madrid Metro"—PowerPoint presentation retained in Committee files.

But we have a number of ways of controlling the risk that having an open access system creates. CCTV is vital to managing security on the Underground. In July 2005 we already had over 6,000 cameras, covering nearly all stations and some of our trains. The number is ever increasing as part of the transformation of the system, and will reach 12,000 cameras within 5 years. The quality of the equipment is also being upgraded where necessary.

Work is also in place to monitor areas that are not effectively monitored at the moment, such as ventilation shafts, more monitoring of car parks and other potential entry points to the network; 6.3 million pounds is being spent on such investment.

The Tube network is policed by a dedicated Transport Police force comprising nearly 700 police officers, the numbers having increased significantly in recent years thanks to additional funding for the force from the Mayor of London.

Six thousand frontline station staff are deployed across the Tube's stations. These staff work either on platforms, at ticket barriers or in station control rooms. All trains have a driver in their cab who is in contact by radio with a line control centre.

All LU job applicants have to prove their identity and are subject to a level of criminal conviction checks. In this as with other areas we strictly adhere to the guidance of the U.K. security services.

We have, in conjunction with the U.K. government, run trials of equipment at a small number of stations to scan and search passengers. It remains our view however that screening and checking of all those who use the Tube on a daily basis is impracticable. But CCTV and policing, together with the vigilance of our own staff, allow us to monitor the system closely. Our passengers also have a vital role to play, and we have encouraged them through information campaigns to be on the look out for, and to report, any suspicious behaviour or unattended items.

Communications between staff, and with the Police, are vital and we are now rolling out a new radio communications network for the Tube, which will link control centres, trains, stations, and depots, replacing the existing systems that are less integrated and which have been too prone to failures. The new system is being put into operation on each Underground line once it has passed stringent validation, operational, and safety checks.

Although it is worth pointing out, any radio system would be unlikely to remain operable at the site of an explosion with a degree of force as that experienced on July 7, 2005, in London.

Since July 7 we have investigated and implemented a number of other improvements to our resilience, including better first aid kit provision at stations and new safety notices on trains. We have reviewed other emergency equipment in conjunction with the emergency services and other relevant experts.

At the core of our resilience strategy is that we constantly work in close cooperation with the government, its security services, the Police, Fire and Ambulance services, and other agencies and transport operators. It is that cooperation and coordination that enables us to be aware of and respond to changing circumstances. We know that the threat remains high and that we need to do everything we can to combat it, and that we need to be ready to deal with another attack. We believe our greatest defence comes from our rapid response and restoration of service, denying terrorists the chaos and fear that they are seeking and thereby discouraging their return.