

SECURING OUR NATION'S MASS TRANSIT SYSTEMS AGAINST A TERRORIST ATTACK

HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS FIRST SESSION

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SECURING OUR NATION'S MASS TRANSIT SYSTEMS AGAINST A TERRORIST ATTACK

Wednesday, May 4, 2011

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Peter T. King [Chairman of the committee] presiding.

Present: Representatives King, Smith, Rogers, McCaul, Walsh, Meehan, Long, Duncan, Marino, Farenthold, Thompson, Sanchez, Jackson Lee, Cuellar, Clarke of New York, Richardson, Davis, Higgins, and Keating.

Also Present: Representative Al Green of Texas.

CHAIRMAN KING. Good morning. The Committee on Homeland Security will come to order.

The committee is meeting today to hear testimony on the security of our mass transit systems in order to identify where progress has been made since the terrorist attacks of September 11, 2001, and where shortfalls remain. We shall examine issues such as assessing the threat that mass transit systems face; information sharing between the Federal Government and the individual transit entities; the impact of the Transit Security Grant Program; and the extent of coordination between Federal, State, and local partners.

I will now recognize myself for an opening statement.

First of all, let me thank all of the witnesses for being here today. This is a vital issue. I want to thank all of you for being here, especially Craig Fugate, who has gone through a terrible few weeks doing just a tremendous job in a very horrendous situation in the South. Again, I want to thank you for your service.

On a personal note, let me welcome Commissioner Daddario from the NYPD, who does a terrific job in New York. Also, as a point of mention, his late father was a United States Congressman. So I thank you for being here today.

Again, thank all the witnesses for the work that you do. You are literally on the firing lines.

Mass transit plays an absolutely critical role in our Nation. Coming from New York—and, certainly, people from Chicago, San Francisco, appreciate the same situation—so much we do depends on mass transit. We have millions of riders every day on mass transit.

Yet, the reality is mass transit is probably the most difficult part of our transportation system to secure. It is the most vulnerable.

Having been to London and to Madrid and seeing the terrible damage that was done there by al-Qaeda, you realize, one, in some ways how much easier it is for terrorists to attack mass transit and also how horrific the tragedy is when it occurs.

So, my point today above all is, No. 1, to find out what you think the level of security is; what more you think has to be done; what level of information sharing there should be; but also to try to get the debate going.

We do have to make cuts. There is no doubt that cuts have to be made. There is no doubt that Government spending has to be brought under control. We have to make sure that not one penny or \$1 is wasted that is allocated to security. On the other hand, we cannot be achieving false economies by cutting in areas that could lead to loss of human life, which could encourage our enemy, especially now in the wake of bin Laden's death.

We have to assume that al-Qaeda or its affiliates, al-Qaeda in the Arabian Peninsula, any of the others, or any of the radicalized terrorists here at home, self-starters, if you will, lone wolves, or organized terrorist operations in this country will launch a domestic attack. To me, clearly, if we are talking about potential targets, no one is more of a potential target than our mass transit systems.

So I would hope that we, again, look carefully at any cuts that are made. At the same time, the burden is on, obviously, Government agencies to make sure that every penny is properly spent. But we cannot be making, I believe, false economies. Because, apart from the loss of human life, apart from the victory it would be for al-Qaeda if a successful attack should be carried out, the economic consequences. I mean, you have one mass transit attack in San Francisco or Chicago or New York, and the economic consequences of that to the country would far outweigh the dollar amount of any short-term cuts that may be made.

So, basically, that is where I am coming from today. We know how real these threats are. We saw with Najibullah Zazi, when he was trained in Afghanistan, came to the United States—came back to the United States; he grew up in New York—and he was going to carry out a liquid explosive attack on the subway system. We know here in Virginia, when we had Farooque Ahmed, that there was going to be an attack on the D.C. transit system. Again, we saw in Madrid, we saw in London. We know how this is. It is such a high priority of al-Qaeda.

The fact, again, you add bin Laden's death, you add radicals in this country, you add the fact that there could be an overseas attack, what al-Qaeda has done before, no one is literally more in the firing line today than those who are responsible for the security of our mass transit system.

So I want to thank you for all the efforts that you have made, that you are continuing to make. I assure you that this committee, on both sides of the aisle, will work with you. The Ranking Member and I, whatever differences we may have on some other issues, certainly when it comes to security and when it comes to mass transit security, for the most part, we speak with one voice.

So, with that, I thank you for being here today. I look forward to the hearing.

I now recognize the Ranking Member, the gentleman from Mississippi, Mr. Thompson.

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

I would like to ask unanimous consent that Mr. Green, a former Member of this committee, be allowed to sit in for the hearing.

CHAIRMAN KING. I was going to object, but I can't for my good friend, Mr. Green.

Mr. THOMPSON. Thank you.

Thank you for holding today's hearing on surface transportation security.

Thirty-four million people use the Nation's rail and mass transit systems each day. Despite this reality and over my objections earlier this year, the continuing resolution for fiscal year 2011, which was passed by the House, decreased discretionary spending for securing those modes of transportation by \$4.5 million below last year's level, 23 percent below the President's budget request.

Under this budget-cutting regime, the transportation security program will be reduced by \$50 million. While only about \$1 for each rider, these funds purchase a great deal. Transit agencies use this Federal money to hire law enforcement officers, acquire bomb-sniffing dogs, and install explosive-screening devices. They also use this money to finance capital projects that keep riders safe, such as hardening tunnels, installing surveillance systems, and establishing perimeter security controls. This \$50 million cut will have an obvious and immediate impact on the security of transit riders.

Unfortunately, Mr. Chairman, this funding cut is not the only problem facing the Transportation Security Grant Program. In 2009, GAO found that TSA had failed to incorporate vulnerability information in the program. Although the Department agreed with GAO's recommendation, it has not found a way to comply. I hope today, if that compliance exists in this information, I would like for the committee to be provided that information.

In 2010, the Department's inspector general found that FEMA had failed to develop a process to collect and analyze program performance measures for TSGP grants. Without performance measures, it is impossible to determine the effectiveness of the program and whether the grant programs are achieving risk reduction. If performance measures exist, I would like for FEMA to provide them to the committee today.

Taken together, these reports set forth a clear need for program reforms that bring about a risk-based and accountable system.

Finally, Mr. Chairman, I look forward to joining with you to restore funding to this critical area. I take you at your word that we need to do it, and I look forward to doing it, especially in the wake of the Osama bin Laden killing. We have an obligation to protect mass transit riders, those 34 million people who rely on it every day.

With that, Mr. Chairman, I yield back.

CHAIRMAN KING. I thank the gentleman.

I remind other Members of the committee that opening statements may be submitted for the record.

[The statement of Hon. Richardson follows:]

PREPARED STATEMENT OF HONORABLE LAURA RICHARDSON

MAY 4, 2011

I would like to thank Chairman King and Ranking Member Thompson for convening this very important and timely hearing today focusing on the protection of our Nation's mass transit system against potential terrorist attacks. I would also like to thank our distinguished panel of witnesses for appearing before the committee today to discuss what progress has been made in this area and what else needs to be done.

Before I begin, I would like to take a brief moment to recognize the recent events that took place over the weekend. As we all know, Osama bin Laden, the 9/11 mastermind and leader of al-Qaeda, was recently killed in Pakistan by U.S. forces. The precise planning and execution that led to the capture and death of Osama bin Laden shows that, through our strength and determination, America can step up to any challenge. I would like to thank President Obama for his steadfast leadership in this effort, as well as our men and women in uniform who have fought bravely and sacrificed so much in order for us to finally be able to see this day.

While the death of Osama bin Laden undoubtedly signifies a crushing blow to al-Qaeda and its affiliates, they will continue to pose a serious threat to us both at home and abroad.

Nowhere is this threat more serious than to our Nation's mass transit systems. Over the last 20 years, al-Qaeda has shown a disturbing preference to target mass transit systems around the world. From the London subway bombing that killed 52 people in 2005 to the Christmas day bomb plot that attempted to blow up Northwest Airlines Flight 253, mass transit is a constant target for individuals seeking to do America harm.

Additionally, according to the Department of Homeland Security, the number of attacks and attempted attacks against the homeland between August 2009 and May 2010 surpassed the number during any previous year in our history. These troubling statistics show the increasing importance that transportation security will play in our Nation's war on terror.

In protecting against this threat, it is important that we understand the unique and complex challenges posed by our Nation's mass transit systems. As stated in Mr. Pistole's and Mr. Fugate's submitted testimony, "the characteristics essential to the efficient movement of millions of people, i.e. an open architecture connecting large populations in major metropolitan areas through multimodal systems within multimodal infrastructures—create potential security vulnerabilities." Thus, in order for us to stay one step ahead of our enemies, it is vital that we learn of and protect against these vulnerabilities before they can be exploited.

As the representative of the 37th district of California, I understand the importance of securing our Nation's mass transit systems. My district is located in Los Angeles County, the largest county in the country and home to one of the country's largest metro transit systems. Additionally, it contains the Alameda Corridor, a 20-mile-long rail cargo expressway connecting the ports of Long Beach and Los Angeles that runs through Compton's high-threat, high-density urban area. These challenges represent a new and emerging need for us to be increasingly more vigilant in protecting our Nation's mass transit systems against the ever-evolving threat of terrorism.

I am pleased that Chairman King and Ranking Member Thompson convened this hearing because it provides an opportunity for committee Members to not only reflect on the enormous gains the Government has made with regard to transportation security, but to also understand the continuing challenges we face in protecting against terrorist threats. I look forward to hearing from our distinguished panel of witnesses on these issues. I yield back my time.

CHAIRMAN KING. Now I would like to begin the testimony of our witnesses today.

Our first witness is John Pistole, the administrator of the Transportation Security Administration. I first worked with Mr. Pistole when he was with the FBI, where he did, again, a magnificent job on counterterrorism. A dedicated public servant. Certainly, he has been no stranger to being on the receiving end of attacks from various sources over the last 6 months in trying to do his job. It goes under the heading of, "No good deed goes unpunished," but Direc-

tor Pistole is, again, an outstanding American, and we are really privileged to have him here today.

Mr. Pistole, you are recognized for as close to 5 minutes as you can.

STATEMENT OF JOHN S. PISTOLE, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Mr. PISTOLE. Good morning, Chairman King, and thank you for those comments. Ranking Member Thompson, distinguished Members of the committee, it is good to be here this morning to discuss the efforts of TSA in partnership with FEMA and our many State, local, and industry leaders to ensure the best possible mass transit and passenger rail security.

Obviously, the President's Sunday night announcement that bin Laden had been located and killed gets to the heart of a profound issue. How does it change the threat that we face here in the United States, particularly as it relates to mass transit?

Obviously, our efforts to combat terrorism go well beyond any one individual, which is why we remain focused on the critical mission of protecting the traveling public and our transportation systems. TSA will continue to evaluate and implement screening measures based on the latest intelligence. We ask the traveling public to remain vigilant and report immediately any suspicious activity.

Today, I am here to focus with my fellow witnesses on mass transit systems and passenger railroads, which include subways, bus transit systems, commuter ferries, Amtrak, commuter railroads, among others. These systems are a critical part of the transportation network TSA works in partnership to protect. They also, unfortunately, remain a target, Mr. Chairman, as you noted, having been the focus of numerous plots here in the United States—unsuccessful, fortunately—as well as those successful attacks you noted overseas and others.

A critical component of TSA's security efforts for mass transit and passenger rail is our partnerships, the partnerships we have with industry and local and regional stakeholders. The DHS's Transit Security Grant Program is currently the primary vehicle providing funding for security enhancements to eligible transit agencies supporting State and local government initiatives to improve security. We also work closely with FEMA to fund projects that most effectively mitigate risk at the highest-risk systems. In 2010, DHS provided \$273.4 million to the transit and passenger rail industry, bringing the total to \$1.6 billion since 2006.

In addition to grant funding, TSA supports the security of mass transit and passenger rail systems by deploying Visible Intermodal Prevention and Response teams, or VIPR teams, to augment local security efforts. TSA currently has 25 dedicated VIPR teams in operation, in addition to other assets that perform VIPR operations. The fiscal 2012 budget request includes funding for 12 additional teams.

VIPR teams work alongside local law enforcement officers and are typically comprised of personnel with expertise in inspection, behavior detection, security screening, and law enforcement

for random, unpredictable deployments throughout the transportation sector with one goal in mind: To deter potential terrorist acts. TSA conducted nearly 8,000 VIPR operations in the last year, and I would be glad to get into some more detail later on.

We also perform baseline and collaborative risk assessments for mass transit and passenger rail. These assessments are conducted with an emphasis on the 100 largest mass transit passenger rail systems in terms of passenger volume, which collectively account for over 80 percent of all users of public transportation.

Among these assessments is the Baseline Assessment for Security Enhancement, or BASE, a comprehensive security assessment program designed to evaluate 17 security and emergency management action items that form the foundation of an effective security program. Through the BASE program, TSA reviews security-related proposals jointly developed by us and Department of Transportation, the Federal Transit Administration, or FTA, and sector partners from mass transit and passenger rails. These assessments help inform us as to what judgments and actions we should take in partnership. Over 115 mass transit passenger rail agencies have participated in this BASE program.

We also work with other Federal partners and others in terms of other assessments and ways that we can help inform not only our use of funds but their use of funds also.

So, in closing, Chairman King, Ranking Member Thompson, I want to thank you for your support and for the support of the committee. I look forward to answering your questions.

Thank you.

CHAIRMAN KING. Thank you, Mr. Pistole.

Our next witness is Craig Fugate, who was the former director of the Florida Division of Emergency Management and has performed in his current position since May 2009.

As we all know, the natural disasters which struck the southern part of our country in the last several weeks, Mr. Fugate has been there, directing operations and serving with great distinction.

I am pleased to recognize the gentleman for 5 minutes.

STATEMENT OF W. CRAIG FUGATE, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Mr. FUGATE. Good morning, Chairman King and Ranking Member Thompson, Members of the committee. My name is Craig Fugate, and I serve as the administrator of FEMA.

But, also, in full disclosure, I am one of those 34 million people that ride mass transit. Most days, I walk to work, but when it is inclement weather, I ride the Metro. I ride the Metro to go shopping. Oftentimes, my wife and I use Amtrak to go home back to Florida. So I am one of the customers who, full disclosure, I benefit from a secure mass transit system.

On behalf of Secretary Napolitano and my partner here from TSA, Administrator John Pistole, we work with local and providers of mass transit throughout this country, and we look at this as a team effort.

Our job at FEMA is to support DHS overall efforts in the safety and security of this Nation and a broad array of preparedness

grant programs, and today the focus is on the Transportation Security Grant Programs. This is a partnership where TSA is the subject-matter experts, and we provide the grants administration to those programs in working with our State and local partners. It is cooperatively managed.

As Ranking Member Thompson pointed out, the inspector general and the General Accounting Office found that we did not have procedures in place, we did not have formal agreements with TSA to administer this program. I am proud to announce that Administrator Pistole and I have signed a memorandum of understanding to clearly outline the roles and responsibilities as a team so that it is clear when we are working with our State and local partners of how we are conducting our business.

These transportation security grant funds can be used both for capital projects—as was pointed out, the physical hardening and other enhancements—but also operational projects, one of which many people that ride may be familiar with, and that is the “If You See Something, Say Something” campaign, to incorporate and enlist riders of the transit systems to report suspicious activity to the law enforcement agencies.

We also provide additional training, exercises, and drills, and a visible funding source—or a source for visible law enforcement, boots on the ground, such as K-9 and police patrols. As Administrator Pistole pointed out, our goal here is deterrence. We want to be prepared. We want not just to have to be able to respond to these events, but we want to deter the threat of terrorists attacking our mass transit systems.

Again, these programs, as Administrator Pistole pointed out, provide funding, but we continue to see the need for these programs. We continue to work with our grant programs and our applicants.

I think one of the things that, Mr. Chairman, I know that you have expressed concerns about is, in drawing down these funds, why do we still see funds that are outstanding versus those that are coming down or being drawn down? I think it comes back to the type of work we are doing.

That is, when we are doing capital projects—and as a State administrative agency, I can tell you that, in building and hardening facilities, that construction and those processes, working with State and local governments, will oftentimes take more time. It is a drawdown process where we reimburse them for the work that is being done. Those that are operational in nature tend to be drawn down faster because those are funds that are expended for personnel, for training, for exercises.

So these balances I realize are a concern, but I think they are an investment in capitalization of the hardening of these facilities that oftentimes take more time than the operational projects. It may be showing that, as these funds are still there, that they may not be needed. That is not the case. We firmly believe that, as our State and local partners are doing these capital projects, as they are obligating their funds and seeking that reimbursement, these funds are going, as intended by Congress, to harden and fortify our mass transit against threats.

Sir, that concludes my statement.

[The joint statement of Mr. Pistole and Mr. Fugate follows:]

JOINT PREPARED STATEMENT OF JOHN S. PISTOLE AND CRAIG FUGATE

MAY 4, 2011

Good Morning Chairman King, Ranking Member Thompson, and distinguished Members of the committee. I am pleased to appear before you today to discuss the efforts of the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA) in the mass transit and passenger rail sector.

The mission of TSA is to protect the Nation's transportation system to ensure freedom of movement for people and commerce. Mass transit systems and passenger railroads are critical parts of the system that TSA is charged with protecting. Together, these systems—which include subways, bus transit systems, ferries, the National Railroad Passenger Corporation (Amtrak), and commuter railroads, among others—provide over 10 billion passenger trips per year.

In meeting this mission, TSA's goal is to maximize transportation security in response to the evolving terrorist threat, while protecting passengers' privacy and facilitating the flow of commerce.

The United States mass transit and passenger rail systems remain a target for terrorist groups and have been the subject of numerous plots in the United States, as well as attacks overseas. Serving large populations in major metropolitan areas, many have substantial underground infrastructure, bridges and transportation staging areas, or hubs, which can include other forms of transportation. The characteristics essential to the efficient movement of millions of people—i.e., an open architecture connecting large populations in major metropolitan areas through multimodal systems within multimodal infrastructures—create potential security vulnerabilities.

TSA'S MASS TRANSIT AND PASSENGER RAIL PROGRAMS

TSA utilizes a number of programs to secure and safeguard mass transit and passenger rail operations. In keeping with the themes that guided the March 2010 *Surface Transportation Security Priority Assessment*, many of these programs enhance security by addressing policy gaps and obstacles, enhancing coordination and unity of effort, and maximizing the use of partner strengths and capabilities. TSA supports Mission 1—Preventing Terrorism and Enhancing Security—of the Quadrennial Homeland Security Review and are aligned with the Department of Homeland Security's (DHS) programmatic activities and organizational structure as found in the Bottom-Up Review Report of July 2010.

For example, DHS has a comprehensive Transit Security Grant Program (TSGP) that provides awards to eligible transit agencies to support State and local governments in devising and implementing initiatives to improve security. TSA also deploys Visible Intermodal Prevention and Response (VIPR) teams in the mass transit and passenger rail domains with local law enforcement entities to augment the security protocols provided by the local systems. Determinations about where to locate resources are based on risk and various mass transit and passenger rail assessments. In all of our programs, we are committed to strengthening local and State efforts while working collaboratively with our private sector partners.

Collaboration between Federal, State, local, and private entities is also demonstrated through the Public Transportation Security Annex to the DHS/Department of Transportation (DOT) Memorandum of Understanding (MOU) on security. The Annex identifies specific areas of coordination among the parties, including citizen awareness, training, exercises, risk assessments, and information sharing. To implement the Annex, TSA—along with DOT's Federal Transit Administration and the FEMA's Grant Programs Directorate—has developed a framework that leverages each agency's resources and capabilities. This MOU also provides a framework for coordination on programs like safety and security roundtables, security standards, training, security data collection and analysis, and technical resource documents.

The Transit Security Grant Program (TSGP)

The TSGP helps create a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism. Eligible agencies are determined by the Urban Areas Security Initiative (UASI) urban areas list and the National Transit Database based on unlinked passenger trips. The TSGP is currently the primary vehicle providing funding assistance for security enhancements to eligible domestic mass transit and passenger rail agencies and employs risk-based prioritization for funding decisions.

TSA works with the FEMA Grant Programs Directorate to fund projects that most effectively mitigate risks at the highest-risk transit and passenger rail properties.

In 2010, the TSGP provided \$273.4 million to the transit and passenger rail industry and a total of \$1.6 billion since 2006. Similar, but smaller grant programs, have supported over-the-road bus operations.

Operational Deterrence Activities

One very effective and cost-efficient anti-terrorism TSGP effort has been in the area of operational deterrence activities. These activities include public awareness campaigns, training, drills, and exercises. Since fiscal year 2006, the TSGP has awarded approximately \$175 million for these activities. One of the most well-known campaigns is the "If You See Something, Say Something," campaign, which was originally implemented by the New York Metropolitan Transportation Authority and is a simple and effective way to raise public awareness of indicators of terrorism, crime, and other threats and emphasize the importance of reporting suspicious activity to the proper transportation and law enforcement authorities.

Anti-Terrorism Transit and Passenger Rail Activities

Additional TSGP funding has supported non-Federal law enforcement positions for anti-terrorism activities. Since fiscal year 2006, DHS has awarded \$29.7 million for 60 canine teams and \$93.9 million for 304 officers to create 77 anti-terrorism teams. These officers enhance security, provide a visible deterrent and augment our nimble, risk-based approach to provide assistance where it can best be put to use. The TSGP also provides funds for transit, passenger rail, and law enforcement agencies to hire non-Federal officers to serve as mobile explosives detection screeners. The officers for each of these teams are direct employees of the transit system/passenger rail/law enforcement agency, and they are deployed according to security needs within the local transit or passenger rail system.

Critical Infrastructure Protection Activities

Transit security grants have also been used for critical infrastructure protection activities. These activities include intrusion detection, physical hardening, and surveillance measures for underwater tunnels, bridges, and multi-user high-volume stations. Since fiscal year 2006, the TSGP has funded \$155.2 million for underwater tunnel hardening, \$168.5 million for critical station physical security measures such as perimeter protection and closed circuit television (CCTV), and over \$28 million for suspension bridge hardening.

In support of the TSGP, DHS has identified those assets it considers Nationally critical to surface transportation. These assets were then analyzed based on threats, vulnerabilities, and consequences by both Government and industry stakeholders to guide our risk-based assessment of high priority transit and passenger rail assets.

The budget bill passed by Congress last month for fiscal year 2011 provides \$250 million in funding for public transportation security assistance and railroad security assistance. Included in this amount is a 5.8 percent (or \$14.5 million) allowance for the FEMA Management and Administration (M&A), \$20 million for Amtrak, and \$5 million for Intercity Bus. TSA will dedicate \$10 million for freight rail security, leaving \$200.5 million for the TSGP.

Mass Transit and Passenger Rail Assessments

By performing baseline and collaborative risk assessments in the mass transit and passenger rail domains, TSA is able to engage State and local partners on how to reduce vulnerabilities, assess risk, and improve security efforts. These assessments are conducted with emphasis on the 100 largest mass transit and passenger rail systems in terms of passenger volume, which collectively account for over 80 percent of all users of public transportation.

Transportation Systems Sector Risk Assessment

Through the Transportation Systems Sector Risk Assessment, TSA evaluates threat, vulnerability, and consequence in a wide range of terrorist attack scenarios for each mode of transportation. For mass transit and passenger rail, this assessment considered more than 200 scenarios, rating threat capabilities and likelihood of execution; vulnerabilities of rail and bus systems and infrastructure; and potential consequences in casualties, property damage, and impacts on the transportation network. The resulting risk ranking enables TSA to set informed mitigation priorities, both across the sector and by individual mode, for collaborative security strategies, program development, and resource allocations.

Baseline Assessment for Security Enhancement

The Baseline Assessment for Security Enhancement (BASE) is a comprehensive security assessment program designed to evaluate 17 Security and Emergency Management Action Items that form the foundation of an effective security program.

Through the BASE program, TSA reviews security-related proposals jointly developed by TSA, the Department of Transportation's Federal Transit Administration (FTA), and sector partners from mass transit and passenger rail systems. The security action items represent a comprehensive update of the Security Program Actions for Mass Transit Agencies that FTA developed following the attacks of September 11, 2001.

The assessment results provide critical data about security priorities, the development of security enhancement programs, the allocation of resources (including security grants), and a compilation of the most effective security practices for mass transit and passenger rail agencies. Over 115 mass transit/passenger rail agencies have undertaken the BASE assessment.

BASE is intended to elevate the security posture and readiness throughout the mass transit and passenger rail mode by implementing and sustaining baseline security measures applicable to the operating environment and characteristics of mass transit and passenger rail systems. TSA implements this continuous improvement process through its Transportation Security Inspectors—Surface (TSI-S), who conduct the assessments in partnership with the mass transit and passenger rail agencies' security chiefs and directors. These evaluations have significantly contributed to an elevation in the mass transit security posture.

Collaborative Risk Assessment Initiatives

TSA is developing and fielding a risk assessment capability focused on individual mass transit and passenger rail agencies, their regional security partners, and connecting and adjoining transportation systems. This effort aims to produce several risk and vulnerability assessment tools integrated into a single platform to enable TSA and its component security partners in DHS to conduct joint assessments of mass transit and passenger rail agencies, employing resources more efficiently, and improving the audit process.

VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAM

TSA currently has 25 Visible Intermodal Prevention and Response (VIPR) multimodal teams in operation and the fiscal year 2012 budget request includes funding for 12 additional VIPR teams. VIPR teams are comprised of personnel with expertise in inspection, behavior detection, security screening, and law enforcement for random, unpredictable deployments throughout the transportation sector to deter potential terrorist acts. TSA's VIPR teams work alongside local law enforcement agencies throughout the transportation domain, enhancing the agency's ability to leverage a variety of resources quickly to increase security in any mode of transportation anywhere in the country. VIPR teams also represent an on-going effort to develop surge capacity to enhance security in public transportation systems. TSA conducted over 8,000 VIPR operations in the past 12 months, including over 3,700 operations in mass transit venues. VIPR operational plans are developed with a risk-based methodology, in conjunction with local transportation security stakeholders, and conducted jointly by TSA, local law enforcement, and transportation security resources.

To enhance coordination and deterrent effects of VIPR team operations, TSA and the representatives of the Transit Policing and Security Peer Advisory Group (PAG) work together to improve coordination, preparation, planning, execution, and after-action review of VIPR deployments in mass transit and passenger rail systems. This cooperation has grown since the mutually agreed upon operating guidelines for "Effective Employment of Visible Intermodal Prevention and Response Teams in Mass Transit and Passenger Rail" were implemented in October 2007. The guidelines were distributed to Federal Security Directors (FSDs), lead regional Surface Inspectors, and Federal Air Marshal Supervisory Air Marshal in Charge (FAM SACs) around the country to improve the effectiveness of the VIPR program.

COLLABORATION AND COMMUNICATION WITH STATE, LOCAL, AND TRIBAL AUTHORITIES AND THE PRIVATE SECTOR

TSA works with DOT's FTA and the Federal Railroad Administration, trade groups representing mass transit and passenger rail interests, and the transit and passenger rail agencies to improve security. Through the National Infrastructure Protection Plan partnership model, TSA chairs the Government Coordinating Council, and regularly consults with the Sector Coordinating Council. To a large degree, TSA's role is to empower our State and local partners through training and exercise programs like the Intermodal Security Training and Exercise Program (I-STEP) and grant programs like TSGP.

Proactive and continuous collaboration is crucial for the success of mass transit and passenger rail security operations. TSA collaborates with senior executives, law enforcement chiefs, and security managers for mass transit and passenger rail agencies; State, local, and Tribal officials; emergency responders; and Federal partners to foster regional security coordination and to integrate the spectrum of available resources for enhanced deterrent and response capabilities.

Meetings take place regularly with these key officials through such collaborative forums as the Mass Transit Sector Coordinating Council, the Transit Policing and Security Police Advisory Group, and the Regional Transit Security Working Groups in higher risk areas, and the annual Transit Safety and Security Roundtables that bring together the law enforcement chiefs, security directors, and safety officers of the Nation's 60 largest mass transit and passenger rail agencies with their Federal security partners to discuss specific terrorism prevention and response challenges and collaborate in advancing effective solutions. These efforts aim to ensure coordinated development and implementation of effective security strategies Nationally and to build collaborative regional networks that expand capabilities to prevent acts of terrorism, to increase resiliency, and to respond to and recover from threats and security incidents.

Sharing Security Information

In collaboration with the U.S. Department of Justice and Amtrak, TSA announced a significant step toward enhancing the security of the Nation's rail infrastructure with the implementation of a Nation-wide Suspicious Activity Reporting (SAR) capability throughout the entire Amtrak rail system in 2010. The SAR initiative is a partnership among Federal, State, and local law enforcement to establish a standard process for law enforcement to identify and report suspicious incidents or activity and share that information Nationally so it can be analyzed to identify broader trends. Under this collaborative program, Amtrak officers are also utilizing an upgraded reporting system—made available by TSA—to refer suspicious activity reports to DHS and the Federal Bureau of Investigation (FBI) for analysis and follow-up.

TSA also provides timely, accurate intelligence and security information to mass transit and passenger rail agency officials through joint DHS Office of Intelligence and Analysis, TSA Office of Intelligence (TSA-OI), and FBI classified intelligence and analysis briefings. Briefings are provided to mass transit and passenger rail security directors and law enforcement chiefs in major metropolitan areas, as well as Amtrak, through the Joint Terrorism Task Force network's secure video teleconferencing system.

TSA Mass Transit Security Awareness Messages provide intelligence products to mass transit and passenger rail security and management officials and State and local partners. TSA is constantly working with our partners to enhance the scope, accuracy, timeliness, and efficiency of information sharing to develop a unified, comprehensive intelligence and security information-sharing platform for the mode, with reports and other materials on security technologies as an essential component.

Mr. Chairman and Ranking Member Thompson, I thank you for the opportunity to appear before you today and I look forward to answering your questions.

CHAIRMAN KING. Thank you, Mr. Fugate.

Our next witness is Commissioner Richard Daddario of the NYPD.

Commissioner Daddario had a long record in the Justice Department as a prosecutor, attorney on jury trials, arguing appeals, and, most recently, prior to joining the NYPD, was the Department of Justice's attache in Moscow.

If I may say, on a semi-humorous note, Commissioner Daddario, as I look at people from other parts of the country, if I did not pronounce your name first, I just tremble at the thought of how it would be pronounced by some of the people from other parts of the country who are not used to the ethnic names we have in New York.

So, Commissioner Daddario, you are recognized for 5 minutes.

STATEMENT OF RICHARD DADDARIO, DEPUTY COMMISSIONER FOR COUNTERTERRORISM, NEW YORK CITY POLICE DEPARTMENT

Mr. DADDARIO. Good morning, Mr. Chairman, Congressman Thompson, and Members of the committee. Thank you for this opportunity to represent the New York City Police Department at this hearing on the subject of mass transit security.

Each year, more than a billion and a half people use the New York City rail transit system, our subway. It is an old system along and around which the city grew. The life of the city depends on it. The Metropolitan Transportation Authority takes care of the subway system's nuts and bolts, but the NYPD has the job of keeping the people who ride the train safe. Terrorism has made that job harder.

Under Police Commissioner Raymond Kelly's leadership over the past 10 years, the NYPD has found ways to reduce crimes city-wide to levels that few believed possible. But the possibility of a terror attack in the subway has required the NYPD to commit enormous resources to safeguard the public. More than 2,500 police officers are assigned to the Transit Bureau, most of whom have received specialized training to recognize and respond to a terrorist plot. In addition, approximately another 1,000 officers are dedicated to the Department's counterterrorism mission.

The NYPD has also acquired advanced equipment to detect explosives and radiation sources and has begun connecting cameras in the subway system to the Department's Domain Awareness System, which integrates public- and private-sector security cameras, license plate readers, radiation detectors, and other data.

The NYPD also conducts daily, highly visible counterterrorism deployments in the subway system, including random bag checks and "Torch" deployments consisting of emergency service unit officers with heavy weapons and tactical gear, K-9 officers, and detectives from the NYPD Intelligence Division. All of this is necessary.

Post-9/11, hundreds of acts of terrorism have been directed at transit systems around the world, including in London, Moscow, Madrid, and, most recently, Minsk. In New York City, plots have been directed at the PATH and subway systems, but the transit system has been kept safe due to Commissioner Kelly's intelligent and strategic commitment of police resources to its protection.

The NYPD could not have accomplished so much without the support of Congress and the Department of Homeland Security, especially through the Transit Security Grant Program. Transit security grants have supported the development of the Domain Awareness System, which will be integral to the protection of the transit hub at the new World Trade Center now rapidly taking shape. They have also supported essential training for officers working in the subway system, paid for equipment, and helped cover the cost of their deployment. Transit security grants express a commitment on the part of the Federal Government to protect not only the trains and rails and the stations that rise above them, but also the people who ride those trains.

DHS has always recognized that New York City is at the top of the target list for al-Qaeda and its affiliates, and it has supported the NYPD's strategy that combines technology and operational pro-

grams to protect the entire transit system. Funding to support operations makes this strategy possible.

However, current legislation points to the implementing recommendations of the 9/11 Act, which set a cap on operational funds of 10 percent in 2011. However, I understand that the 9/11 Act contemplated an accompanying increase in funding of more than 70 percent between 2008 and 2011. That increase has not been realized. In fact, authorized funding has decreased by more than 30 percent since 2008.

Accepting the fiscal year 2011 appropriation of \$250 million for the transit security grants, less than \$25 million would be available Nationally this year for vital operational programs, like those the NYPD employs, if the 10 percent cap was imposed. In contrast, \$51 million was allocated last year to fund operational programs.

Clearly, funding for capital improvements to enhance security makes good sense, but the right balance between capital and operations is important.

New York City's subway system is the fifth largest in the world by ridership and the largest in the Western Hemisphere. The NYPD is responsible for its safety and has worked long and hard to find a strategy that works. That strategy demands the extensive commitment of police officers on the platforms, in the stations, and around the station entrances. That requires sustained operational funding.

Again, thank you for inviting me to today's hearing, and I will do my best to answer any questions you may have.

[The statement of Mr. Daddario follows:]

PREPARED STATEMENT OF RICHARD DADDARIO

MAY 4, 2011

Good morning Mr. Chairman, Congressman Thompson, and Members of the committee. Thank you for this opportunity to represent the New York City Police Department at this hearing on the subject of mass transit security.

Each year, more than a billion and a half people use the New York City rail transit system—our subway. It is an old system along and around which the city grew. The life of the city depends on it.

The Metropolitan Transportation Authority takes care of the subway system's nuts and bolts, but the NYPD has the job of keeping the people who ride the trains safe. Terrorism has made that job harder. Under Police Commissioner Raymond Kelly's leadership over the past 10 years, the NYPD has found ways to reduce crime city-wide to levels that few believed possible. Last year, no more than 6 felonies were committed daily in a system with 468 stations, several hundred miles of track, and 5 million riders per weekday. But the possibility of a terror attack in the subway has required the NYPD to commit enormous resources to safeguard the public.

More than 2,500 police officers are assigned to the Transit Bureau, most of whom have received specialized training to recognize and respond to a terrorist plot. In addition, approximately another 1,000 officers are dedicated to the Department's counterterrorism mission. The NYPD has also acquired advanced equipment to detect explosives and radiation sources and has begun connecting cameras in the subway system to the Department's Domain Awareness System, which integrates public- and private-sector security cameras, license plate readers, radiation detectors, and other data.

The NYPD also conducts daily, highly-visible counterterrorism deployments in the subway system, including: Random bag checks; and Transit Operational Response Canine Heavy Weapons deployments, more simply called TORCH, consisting of Emergency Services Unit officers with heavy weapons and tactical gear, canine officers, and detectives from the NYPD Intelligence Division.

All this is necessary. Post-9/11, hundreds of acts of terrorism have been directed at transit systems around the world, including in London, Moscow, Madrid, and

most recently, Minsk. In New York City, plots have been directed at the PATH and subway systems. But the transit system has been kept safe due to Commissioner Kelly's intelligent and strategic commitment of police resources to its protection.

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DHS has always recognized that New York City is at the top of the target list for al-Qaeda and its affiliates, and it has supported the NYPD's strategy that combines technology and operational programs to protect the entire transit system. Funding to support operations makes this strategy possible. However, current legislation points to the Implementing Recommendations of the 9/11 Act, which set a cap on operational funds of 10 percent in 2011. However, I understand that the 9/11 Act contemplated an accompanying increase in funding of more than 70 percent between 2008 and 2011. That increase has not been realized. In fact, authorized funding has decreased by more than 30 percent since 2008.

Accepting the fiscal year 2011 appropriation of \$250 million for the TSGP, less than \$25 million would be available Nationally this year for vital operational programs like those the NYPD employs if the 10 percent cap was imposed. In contrast, \$51 million was allocated last year to fund operational programs. Clearly, funding for capital improvements to enhance security makes good sense, but the right balance between capital and operations is important.

New York City's subway system is the fifth-largest in the world by ridership and the largest in the western hemisphere. The NYPD is responsible for its safety and has worked long and hard to find a strategy that works. That strategy demands the extensive commitment of police officers on the platforms, in the stations and around the station entrances, and that requires sustained operational funding.

Thank you again for inviting me to today's hearing. I will do my best to answer any questions you may have.

CHAIRMAN KING. Thank you, Commissioner.

Our next witness is president Richard Rodriguez, who is president of the Chicago Transit Authority.

Prior to joining the CTA, Mr. Rodriguez served as the commissioner of the Chicago Department of Aviation and has a long and distinguished career in various levels of Chicago government.

With that, Mr. Rodriguez, I am pleased to recognize you for 5 minutes.

**STATEMENT OF RICHARD L. RODRIGUEZ, PRESIDENT,
CHICAGO TRANSIT AUTHORITY**

Mr. RODRIGUEZ. Thank you very much, Chairman King, Ranking Member Thompson, Representatives Davis and Walsh from my home State of Illinois, and Members of the committee. I thank you for the opportunity to testify today on behalf of the Chicago Transit Authority, commonly known as the CTA.

CTA provides 1.7 million trips each weekday on our bus and rail network, including the "L," or elevated, rail service that has come to symbolize Chicago transit. As the second-largest transit agency in the Nation, Chicago Transit Authority continually examines ways to enhance measures for the safety and security of our customers and employees. We focus on three key areas: Infrastructure improvements, emergency communications and coordination, and operational security.

I am proud to report that, in March of this year, the CTA was recognized by the Department of Homeland Security for achieving

high scores in all categories of the security inspection program for transit. The Baseline Assessment for Security Enhancement, also known as BASE, was developed as a comprehensive review of security programs and focuses on 17 categories identified by the transit community as fundamental for a sound transit security program. These categories include: Security program management and accountability; security and emergency response training, drills, and exercises; public awareness; protective measures for DHS threat levels; physical security; personnel security; and information sharing and security. Our system received high scores across all BASE categories, which very few transit systems have achieved.

Since 2006, grants from the Department of Homeland Security have been solely responsible for allowing CTA to make significant technology upgrades to the security and surveillance network, add the necessary security personnel, and enrich training programs for these individuals so they are ready to handle the situations that may pose a threat to our system.

Our latest infrastructure initiative to combat crime and deter terrorism is the installation of high-resolution digital security cameras. DHS funding is being used to equip all 144 of our CTA rail stations with multiple cameras at each station. The networked camera allow CTA, the Chicago Police Department, Chicago's Office of Emergency Management and Communication to gain a clear picture of an emergency situation and respond accordingly.

We are also planning on retrofitting CTA's railcar fleet with security cameras. There are new railcars on order that will come equipped with cameras, but we feel it is critical to have the entire fleet be retrofitted. All buses in our fleet, over 1,700 of them, have been equipped with cameras since 2003.

In recent years, the Transportation Security Administration has provided additional resources in the form of Visible Intermodal Prevention and Response, or VIPR teams, as they are commonly known, which are deployed at airports and on transit. They provide a random, unannounced, highly visible, supplemental security presence.

CTA has also received dogs from the TSA's Explosive Detection K-9 Team. The K-9s are funded through DHS and are part of the Chicago Police Department's transportation section. The dogs are paired with handlers to detect explosives and are used to respond to reports of unattended or suspicious items. These dogs are trained to find improvised explosive devices and are used on trains, buses, platforms, and stations.

DHS funding has allowed CTA to fully leverage technology to enhance security, but the human element is still critical. Training for employees and encouraging our riders to be part of the security presence is always an important part of our efforts. The FTA has launched a Nation-wide safety and security awareness program called Transit Watch, which encourages transit passengers and employees to report anything suspicious or dangerous.

CTA's "See Something, Say Something" campaign is similar to the Transit Watch program and provides information and instructions to transit passengers and employees so they know what to do and whom to contact in the event of an emergency. This campaign

was borrowed from the MTA in 2002 and encourages riders to report any suspicious activity that they observe.

In addition, CTA has participated and continues to participate in training for a number of scenarios using a range of programs. We have increased the frequency of our system checks, tightened access, and continually train our operations, facilities, and maintenance employees to recognize suspicious activity, packages, or substances.

CTA participates in drills involving the Chicago Police Department, Chicago Fire Department, Office of Emergency Management and Communications, and other agencies regarding bomb threats, fires, and HAZMAT situations.

For everything that I have mentioned, DHS funding has been the resource that has made these measures possible. Without that funding, none of these efforts could continue. Neither the State of Illinois, the city of Chicago, or CTA has the financial resources to support these efforts.

Unfortunately, Congress, as was mentioned, was recently forced to tighten its fiscal belt, and the FEMA Transit Security grants took a one-sixth cut to its fiscal year 2011 budget, from \$300 million to \$250 million. In fiscal year 2010, CTA was awarded \$6.8 million under this program to install security cameras on 400 railcars. The CTA planned to use fiscal year 2011 funding to complete the camera retrofit of the remainder of our legacy railcars in 2013, but the 16 percent cut will likely force the CTA to finish installing these important cameras in 2014 or 2015 at the earliest.

Before I close, I would be remiss if I didn't state how a heightened state of alert impacts agencies like the CTA. CTA actively monitors terrorism-related threats, incidents, and events locally, Nationally, and internationally. When circumstances warrant, the CTA takes a number of steps to ensure our employees and customers remain vigilant. Steps include communicating with our Federal, State, and local partners; reissuing security bulletins to remind employees of what activities to look for and what steps to take should they encounter any suspicious or criminal activity during the course of their duties; and reminding our customers that vigilance and awareness of their surroundings is an important part of our safety efforts and encouraging them to report any unusual or suspicious activity to 9-1-1 or to CTA personnel.

Transit systems across our country are inherently open environments, designed to move people quickly to their destinations. At the CTA, we are determined to make our system as safe and user-friendly as possible and to continue providing ready transportation consistent with a commitment to safety.

Thank you again, Mr. Chairman, for the opportunity to testify at this hearing. As the others on the panel, I make myself available for any questions you may have.

[The statement of Mr. Rodriguez follows:]

PREPARED STATEMENT OF RICHARD L. RODRIGUEZ

MAY 4, 2011

Chairman King, Ranking Member Thompson, and Members of the committee, I thank you for the opportunity to testify today on behalf of the Chicago Transit Authority, commonly known as the CTA. I also would like to acknowledge my two

home-State Congressmen on the Committee, Representatives Danny Davis and Joe Walsh. Accompanying me today is CTA's Chief Safety & Security Officer, Amy Kovalan.

The CTA provides 1.7 million trips each weekday on our bus and rail network, including the "L" or "elevated" rail service that has come to symbolize Chicago transit. As the second largest transit agency in the Nation, the Chicago Transit Authority continually examines ways to enhance measures for the safety and security of our customers and employees. We focus on three key areas: Infrastructure improvements, emergency communications, and coordination and operational security.

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These categories include—

- security program management and accountability,
- security and emergency response training, drills, and exercises,
- public awareness,
- protective measures for DHS threat levels,
- physical security,
- personnel security,
- and information sharing and security.

Our system received high scores across all BASE categories, which very few transit systems have achieved.

Since 2006, grants from the Department of Homeland Security have been solely responsible for allowing CTA to make significant technology upgrades to the security and surveillance network, add the necessary security personnel, and enrich training programs for these individuals so they are ready to handle situations that may pose a threat to our system.

Our latest infrastructure initiative to combat crime and deter terrorism is the installation of high-resolution digital security cameras. DHS funding is being used to equip all 144 CTA rail stations with multiple cameras. The networked cameras allow CTA, the Chicago Police Department, and Chicago's Office of Emergency Management and Communication to gain a clearer picture of an emergency situation and respond accordingly.

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CTA has also received dogs from the TSA's Explosive Detection Canine Team Program. The K-9s are funded through DHS and are part of the Chicago Police Department's Transportation Section.

The dogs are paired with handlers to detect explosives and are used to respond to reports of unattended or suspicious items. These dogs are trained to find improvised explosive devices and are used on trains, buses, platforms, and stations.

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In addition, CTA has participated and continues to participate in training for a number of scenarios using a range of programs. We have increased the frequency of our system checks, tightened access, and continually train our operations, facilities, and maintenance employees to recognize suspicious activity, packages, or substances. CTA participates in drills involving the Chicago Police Department, Chicago Fire Department, OEMC and other agencies regarding bomb threats, fires, and HAZMAT situations.

For everything I have mentioned, DHS funding has been the resource that has made these measures possible. Without that funding, none of these efforts could continue. Neither the State of Illinois, city of Chicago, or CTA has the financial resources to support these efforts.

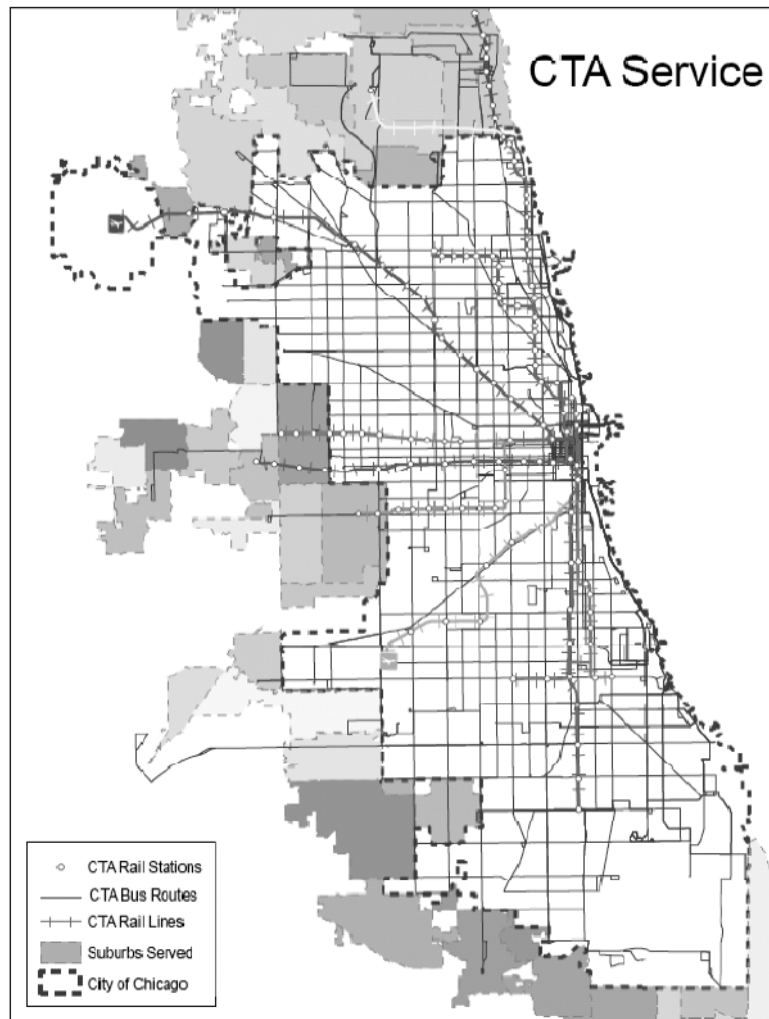
Unfortunately, Congress was recently forced to tighten its fiscal belt, and the FEMA Transit Security grants that the CTA receives annually took a one-sixth cut to its fiscal year 2011 budget—from \$300 million to \$250 million. Last year the CTA received \$6.8 million under this program, and the CTA will put the money to good use to install security cameras on 400 rail cars this year. The CTA had planned to use future funds to install cameras on the rest of its rail cars in 2012, but the 16 percent cut will likely force the CTA to finish installing these important cameras in 2013 or 2014 at the earliest.

Before I close, I would be remiss if I didn't comment on the good news that President Obama announced late Sunday night, and how a subsequent heightened state of alert impacts agencies like the CTA. The CTA actively monitors terrorism-related threats, incidents, and events locally, Nationally, and internationally. When circumstances warrant, such as the death of Osama bin Laden, the CTA takes a number of steps to ensure our employees and customers remain vigilant.

Steps include communicating with our Federal, State, and local partners; re-issuing security bulletins to remind employees of what activities to look for and what steps to take should they encounter any suspicious or criminal activity during the course of their duties; and reminding our customers that vigilance and awareness of their surroundings is an important part of our safety efforts and encouraging them to report any unusual or suspicious activity to 9-1-1 or to CTA personnel.

In a free country, there is no such thing as a closed and perfect system. Transit systems across the country are inherently open environments designed to move people quickly to their destinations. It is a careful balance to strike between security and personal mobility but we feel that we have found a good balance. We are determined to make our system as safe and user-friendly as possible, and to provide ready transportation consistent with the commitment to safety.

Thank you again, Mr. Chairman, for the opportunity to testify here today. I will be happy to answer any questions from you or the other distinguished Members of the committee.



CHAIRMAN KING. Thank you very much, Mr. Rodriguez.

Our next witness is Deputy Chief Daniel Hartwig of the Bay Area Rapid Transit.

Chief Hartwig was just appointed to his position, I believe, about 6 weeks ago, and I congratulate you on that. It comes after 29 years of service with BART. I want to thank you for your service.

I now am pleased to recognize you for as close to 5 minutes as you can be. Thank you very much.

STATEMENT OF DANIEL O. HARTWIG, DEPUTY CHIEF OF OPERATIONS, BART POLICE DEPARTMENT, SAN FRANCISCO BAY AREA RAPID TRANSIT (BART)

Mr. HARTWIG. Good morning, Chairman King, Ranking Member Thompson, and Members of the committee. My name is Dan Hartwig, and I am the deputy chief of police of operations at the San Francisco Bay Area Rapid Transit District Police Department, also known as BART.

On behalf of BART's board of directors, our 3,500 employees, and our 350,000 daily riders, I appreciate the opportunity to be given the chance to testify before you today.

BART's role as a backbone of the region's transportation network is borne out both by what happens on a normal day and by what happens when circumstances are atypical. A normal weekday for BART means providing on-time service for about 350,000 Bay-area residents across 105 miles of trackway, 44 stations, in 4 counties and 26 cities. Most often, as a law enforcement agency, we provide a safe and secure environment for those within our system.

The most recent atypical day we experienced was November 3, 2010, when the BART system carried 522,200 customers to the San Francisco Giants World Series Championship victory parade. The presence of large crowds traveling through the BART facilities for special events, such as the Giants celebration, presents a predictable, target-rich environment for terrorist attacks and magnifies the risk and consequence of a terror attack that transit systems face daily.

The attack in Madrid, Spain, on March 11, 2004; the attacks on London, England, on July 7 and 21, 2005; and the attack in Mumbai, India, on November 26, 2008, illustrates with alarming clarity the vulnerability of public transit facilities.

The United States Department of Homeland Security warns that the Nation's mass transit systems, which are considered to be a part of America's critical infrastructure, are at high risk of being targeted by terrorists for mass casualty attacks.

Soon after September 11, BART's administration aggressively focused upon identifying targets vulnerable to acts of terrorism in the BART system. After completing four threat and vulnerability assessments with three Government agencies and one private security firm, early on BART identified a need to complete an estimated \$250 million in security projects. Recognizing its most critical and vulnerable asset, BART immediately invested capital funds to begin the hardening process.

On Friday, July 8, 2005, representatives from TSA knocked on BART's door, offering partnership and support in the wake of the tragic attack on London's transportation systems, thus beginning our partnership that continues to this day. Beginning in 2003 and continuing through 2005, Urban Area Security Initiative dollars helped to fund the specific projects to further harden the critical infrastructure within the BART system.

Receiving Transit Security Grant Program funds in 2006 through 2010 has allowed for the expansion of these security projects to address the identified security needs of other vulnerable critical assets. Today, we continue to use Transit Security Grant Program funds, as well as other local, State, and Federal funds, to strategi-

cally and methodically eliminate identified vulnerabilities from the previously mentioned threat and vulnerability assessments.

The engineering challenges to protect and mitigate the effects of a terrorist attack have been greater than originally imagined. Understanding the required expertise needed, we have and continue to rely upon the Department of Homeland Security and the Transportation Security Administration for support and direction. Without their unwavering commitment to BART specifically and to our allied transportation systems, our ability to achieve success would be extremely limited.

Due to the environment in which our system is located, the complexity of security projects has exceeded our local resources, and it is the support from DHS and TSA that enables us to move these security projects forward.

As for passenger screening, from the beginning it was clear that post-9/11 security measures that were developed for airports would not work in the subway systems for America. BART is the Bay Area Rapid Transit, and if we lose the “rapid,” we cease to serve our customers and the region. Although BART is a fairly new system, our infrastructure was not designed to accommodate the space and equipment required to screen large numbers of passengers. Current technology cannot process large numbers of passengers quickly enough for the mass transit environment.

Further proof of the success brought to BART by DHS and TSA are the following projects and programs: Financial support for major capital projects to harden BART’s critical infrastructure; TSA explosive K-9s; Operational Pack funding for our Critical Asset Patrol Team assigned to our critical asset corridor; training for BART’s front-line employees on terrorism awareness and identification; VIPR teams partnering with BART police officers to patrol critical assets and special events; RailSafe, linking transit agencies across the country at the same date and time, focusing on high visibility within transit properties.

I would implore to you today, the funding source for transportation agencies to solidify their properties is needed now more than ever. We have failed in the past to pay close attention to a threat that we considered to be foreign. We now know the same threat exists within our own homeland. As we approach the 10th anniversary of the 9/11 attacks, we cannot allow complacency to undermine our efforts to keep America secure.

Chairman King, Ranking Member Thompson, and Members of the committee, on behalf of BART Police Chief Kenton Rainey and the San Francisco Bay Area Rapid Transit District, thank you for inviting me to testify today. I am also willing to answer any questions.

[The statement of Mr. Hartwig follows:]

PREPARED STATEMENT OF DANIEL O. HARTWIG

MAY 4, 2011

Good morning, Chairman King, Ranking Member Thompson and Members of the Committee on Homeland Security. My name is Dan Hartwig and I am a Deputy Chief of Police for Operations at the San Francisco Bay Area Rapid Transit District Police Department, also known as BART.

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Most often, as a law enforcement agency we provide a safe and secure environment for those within our system. The most recent atypical day we experienced was November 3, 2010 when BART system carried 522,200 customers to the San Francisco Giants' World Series Championship victory parade. The presence of large crowds traveling through the BART facilities for special events, such as the Giants' celebration, presents a predictable, target-rich environment for terror attacks and magnifies the risk and consequence of a terror attack that transit systems face daily.

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Beginning in 2003 and continuing through 2005, Urban Area Security Initiative (UASI) dollars helped to fund the specific projects to further harden the critical infrastructure of the BART system.

Receiving Transit Security Grant Program (TSGP) funds in 2006 through 2010 has allowed for the expansion of these security projects to address the identified security needs of other vulnerable critical assets.

Today we continue to use Transit Security Grant Program funds, as well as other local, State, and Federal funds, to strategically and methodically eliminate identified vulnerabilities from the previously mentioned threat/vulnerability assessments.

The engineering challenges to protect and mitigate the effects of a terrorist attack have been greater than originally imagined. Understanding the required expertise needed, we have, and continue to, rely upon the Department of Homeland Security and the Transportation Security Administration for support and direction. Without their unwavering commitment to BART specifically, and to our allied transportation systems, our ability to achieve success would be extremely limited.

Due to the unique environment in which our system is located, the complexity of the security projects has exceeded our local resources and it is the support from DHS and TSA that enables us to move these security projects forward.

As for passenger screening, from the beginning, it was clear that the post-9/11 security measures that were developed for airports would not work in the subway systems of America. BART is Bay Area RAPID Transit and if we lose the rapid, we cease to serve our customers and the region. Although BART is a fairly new system, our infrastructure was not designed to accommodate the space and equipment required to screen large numbers of passengers and current technology cannot process large numbers of passengers quickly enough for the mass transit environment.

Further proof of the successes brought to us by DHS and TSA are the following projects and programs:

- Financial support for major capital projects to harden BART's critical infrastructure;
- TSA Explosives Detection K-9 Program;
- Operational Pack funding the Critical Asset Patrol Team assigned to the critical asset corridor;
- Training for BART's front-line employees on terrorism awareness and identification;
- Visible Intermodal Protection and Response (VIPR) teams partnering with BART police officers to patrol critical assets and special events;
- RailSafe, linking transit agencies across the country on the same date and time focusing on "high visibility" within our properties.

I would implore to you today, the funding source for Transportation agencies to solidify their properties is needed now more than ever. We have failed in the past

to pay close attention to a threat that was considered foreign. We now know the same threat exist in our own homeland.

As we approach the 10th anniversary of the 9/11 attacks, we cannot allow complacency to undermine our efforts to keep America secure. Chairman King, Ranking Member Thompson, and Members of the Committee on Homeland Security: On behalf of BART Police Chief Kenton Rainey and the San Francisco Bay Area Rapid Transit District, thank you for inviting me to testify today, I can now answer any questions you may have.

CHAIRMAN KING. Thank you very much, Chief Hartwig.

I want to thank all the witnesses.

My first question would be to Commissioner Daddario. In all the years I have known Ray Kelly, the only time I saw him really show concern was the night before Zazi was apprehended, because the NYPD knew the plot had become operational, that within 12 or 24 hours we could have had massive explosions on the New York City subway system.

Can you put in some context what that plan would have achieved if it had been carried out, if Zazi and his confederates, his co-conspirators had been able to carry out that plan, the impact it would have had on the New York City subway system?

Mr. DADDARIO. Mr. Chairman, all these attacks on subway systems are designed not to cause the system's infrastructure to collapse; they are designed to terrorize the public, so as to cause people to have grave concerns about boarding a train, going to work, going to visit friends, going about their lives.

That type of terror, if applied in any type of consistent way, could—would, in fact—substantially diminish the economic life of a city, the vitality of the city. To a city like New York, if you do that to the subway system, you are essentially choking the city, sort of choking the air out of the city.

You potentially could—and this is, I think, part of the whole reason why you attack transit systems, is you hope that it will bring the life of the city to a—to basically kill it, kind of impose a level of fear over the population so that all of the activities that we need to engage in on a daily basis to keep the city strong, vital, alive would be substantially diminished.

That was the major concern about Zazi. Something like that has not happened in New York. We want to make sure that it doesn't happen, that everyone feels that they can board the trains, move about freely.

I heard Mr. Fugate say how he uses, you know, the subway, goes on Amtrak. He depends on it. He wants to be able to do that without feeling he is going to be blown up or have someone come in and shoot him to death.

I think every Member of this committee understands how important mass transit is and public transportation is to the economic life of the United States and its major cities—and not just its economic life, its cultural life, its life. I mean, moving about is not just a matter of finances and economics; it is a question of how people live. What these terrorist attacks are designed to do is to really attack our way of life, to attack not just subways but all kinds of activities in the public sphere so as to, you know, bring life—ordinary, regular life that people depend on to an end.

So, we feel that the investments that this committee has supported over the years is extraordinarily important. We depend in

large part on Federal funding to help us achieve the type of security we want. We know we have the continued support of the committee, you know, given these current budgetary constraints, with the type of mission that we are engaged in, Mr. Fugate, Mr. Pistole, and everyone here at this table is engaged in day-to-day.

CHAIRMAN KING. Okay.

Director Pistole, you touched on it in your testimony. Can you amplify more on the VIPR system, how successful you think it has been, how accepted it is, and do you see it expanding at all—do you see the need to expand it? Explain what it is, really, so all the Members will understand what it consists of.

Mr. PISTOLE. Mr. Chairman, the whole premise behind the Visible Intermodal Protection and Response Teams are to provide just that, an unpredictable deterrent to those who may want to cause harm. So whether it is the 7/7 bombers in London who—obviously, the five with the backpacks—nine backpacks; it is a question of how many other people may have been involved.

The idea is, if we can present a visible presence, police presence, ideally with K-9, CCTV—we know from debriefings of people who have cooperated once they have pled that the three main deterrents are the uniformed presence of a police officer, a K-9, and CCTV. Now, the first two are absolutely the best. CCTV is good if you don't have a suicide bomber. But, as we know with the 7/7 bombers and the attempted ones on 7/21 of 2005 in London, that suicide bombers, one of them actually looked at the CCTV before going in the London Underground.

So the idea is to be a deterrent. The measure of success is difficult to quantify to say, did we deter a terrorist attack today? The whole point is to attempt to deter and push off to another day, which gives the rest of the intelligence community, the law enforcement community, the opportunity to identify and intercept a putative terrorist.

CHAIRMAN KING. Thank you.

The Ranking Member is recognized.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Fugate, you referenced an MOU that has been signed between FEMA and TSA. Could you make that MOU available to the committee?

Mr. FUGATE. Yes, sir.

Mr. THOMPSON. Is your testimony that it covers those items that previously had been identified as weaknesses in the system?

Mr. FUGATE. Yes, sir. In addition to that, as you pointed out, the performance measures are being implemented in the 2011 grant cycle, as recommended by the IG. So I think that we would be more than happy to provide back to you and your staff and to the committee as a whole the actions we have taken to address the IG and General Accounting Office findings.

Mr. THOMPSON. Thank you. I am convinced that is an important aspect.

To the operators of transit systems—and we will start with New York first, if that is all right. If these funds were not available to provide security enhancements, what would New York have to do?

Mr. DADDARIO. Well, if they weren't made available, we would have to try to find money from—we would have to try to strip

money away from other types of activities we are engaged in that protect the public. Because, remember, the mission of the police department—

CHAIRMAN KING. Would you use the microphone?

Mr. DADDARIO. I am sorry.

If the money wasn't available, we would have to try to find money from other sources, from State and local tax revenues, to support our counterterrorism activities.

Some of what we do simply wouldn't be possible. The Domain Awareness System that we have created, which is a fiberoptic link around the city where we have computers which gather up information from cameras, license plate readers, other data sources in real time, simply wouldn't be possible without Federal money, for example.

Some of our deployments that we have, where we really put enormous amounts of officers on the platforms, would be very, very difficult without Federal money. I think it would compromise the level of security we have, quite frankly.

Mr. THOMPSON. Thank you.

Mr. Rodriguez.

Mr. RODRIGUEZ. Yes, sir. The Chicago Transit Authority, the only means that we would have for actually finding any additional funds separate from the Department of Homeland Security funds would be our operational funds. We generate half of our own revenues from fare boxes, from our customers, from advertisements and concessions. The other half truly comes in—it is subsidized from sales taxes and a small amount from real estate transfer taxes, both of which, unfortunately, given the economic condition of our country, have been very challenging for the past 2 years.

So if the question that you are posing is where we would find the money, the answer is operational funds, meaning I would have to further reduce service than what has already been done. Unfortunately, Chicago Transit Authority, in February of last year, had to reduce about 18 percent of our bus hours service. So basically cut service about 20 percent across not just the city of Chicago but the 40 suburbs that we service as well. About 9 percent are rail hours, the number of hours that we provide service on our railroad, as well.

We had to downsize our organization by 10 percent. So we have taken a significant hit in terms of the capacity and the service that we are able to provide. Any further reduction in funds from Department of Homeland Security would impact that.

Separate and apart from that, there is about \$50 million that both the CTA and the Chicago Police Department, combined, spend annually on safety and security-related expenses that are not reimbursed by Department of Homeland Security. So, separate from that, there is a greater need, as well.

Mr. THOMPSON. Mr. Hartwig.

Mr. HARTWIG. Sir, without the ability to continue the partnerships that we have developed through these funding services that are located from Federal sources, I fear that we would cease to exist and cease to provide the level of security that we currently have.

The restrictions placed upon State and local funding resources in the State of California are extremely diminished. I would agree with Mr. Rodriguez that we would refer to an operational contribution, which would further impact the services we supply at BART.

The value of these partnerships and the value of the funds to complete these security projects, if they did not exist, we would work with what we have, we would try to achieve more with less. We would not achieve the success levels that we currently experience.

Mr. THOMPSON. Thank you.

Mr. Chairman, a point—I think you made it—is, given some of the challenges that we are facing right now, I think it is inconceivable that we ought to, as Members of Congress and this committee, vote to cut any transit security dollars. Some Members of this committee already have voted earlier in the year to do that. I would just say that any further cuts, based on the testimony from New York, Chicago, and the Bay area would be absolutely detrimental.

So I would just like to make sure the record reflects that this testimony from people who do it every day, as well as the individuals who administer the programs for us, that the personnel, the K-9s, the other enhancements that have gone into securing these facilities would be seriously jeopardized if any further cuts were made.

I yield back.

CHAIRMAN KING. Yeah, I thank the Ranking Member.

I would just add to that, I know New York, and I assume the other municipalities too, but New York certainly gets a very small percentage in reimbursement compared to what it spends on homeland security. So, as it is, the situation is tough enough in New York with over a thousand police officers dedicated to counterterrorism, and a significant portion of that on the mass transit system.

With that, I recognize the gentleman from Alabama, the Chairman of the subcommittee, Mr. Rogers.

Mr. ROGERS. The only question I had was on the VIPR system, for Mr. Pistole. Are these VIPR groups deployed solely based on risk, or is there another criteria?

Mr. PISTOLE. Congressman Rogers, it is primarily based on risk. We are obviously trying to make sure that we are in those locations and at those times which present the greatest risk. There may be some other criteria simply based on some ad-hoc requirements or something, but almost always based on risk, yes.

Mr. ROGERS. Great. Thank you.

That is all I have, Mr. Chairman.

CHAIRMAN KING. The gentleman yields back.

I recognize the gentleman from Illinois, Mr. Davis, for 5 minutes.

Mr. DAVIS. Thank you very much, Mr. Chairman. I want to thank you for calling this hearing and thank all of the witnesses for coming.

Mr. Rodriguez, I know that your tenure is about to expire as president of the Chicago Transit Authority. I want to take this opportunity to commend you for your tremendous public service to not only the citizens of Chicago but certainly to the Nation, because Chicago, as we know, is the transportation hub and center of transportation for the Nation. So the outstanding work that you have

done as commissioner of aviation, as well as the head of the Chicago Transit Authority, speaks volumes for what you have meant to our city as well as for the country. So thank you very much for that service.

You testified that the Chicago Transit Authority had received high marks in all categories of security inspection. My question is, one, how did you manage to obtain that rating from Homeland Security? What is it that we need to do to make sure that Chicago's Transit Authority can continue in the vein that you have led it?

Mr. RODRIGUEZ. Thank you very much for the kind words, Congressman.

The two things that I can say to respond to both your questions, No. 1, is, having obtained the high grades, I would almost look to my colleague, Mr. Pistole here, who is the one who came and gave us the reward on having received high marks. But the reality is that we have a great team. We have a great person, for example, Amy Kovalan, who is sitting directly behind me, the chief of safety and security for the entire organization. I give her full credit for having obtained the award that we received.

But, more importantly, to your second question, is what it is that you can do to help us continue doing what we are doing is it is a funding issue. The bottom line is that it is a funding issue. As I had mentioned, separate and apart from the grants that we currently receive, we out-of-pocket an additional \$50 million per year, both ourselves in combination with the Chicago Police Department, on transit security-related services. So any thought of reducing what we already receive would be extremely detrimental to our system.

Again, keeping in mind that our name is somewhat of a misnomer, although we are called the Chicago Transit Authority, we serve the region, the city of Chicago and 40 different suburbs. So it would be detrimental to the economy of the entire region if we had to somehow continue to reduce service to upkeep the security initiatives that we have in place.

So it is additional funding, sir.

Mr. DAVIS. Well, I want to thank you very much.

I want to echo the sentiments that were expressed by the Ranking Member and by the Chairman, that it appears to me that funding is absolutely essential—and that is, funding from the Federal Government level. I don't see any way that State and local governments can provide what is needed.

So I again commend you for your outstanding service.

Mr. Chairman, I have no further questions and would yield back the balance of my time.

CHAIRMAN KING. I would thank the gentleman.

I would ask the record to show that I showed restraint when you said that Chicago is the leading transit system in the country.

I want to join you in thanking Mr. Rodriguez for his service.

I recognize the gentleman from Pennsylvania, former United States Attorney, Mr. Marino.

Mr. MARINO. Thank you, Mr. Chairman.

I can't compete with New York or other large metropolitan areas, but, being a U.S. Attorney, I do understand what these gentlemen

have to deal with on a daily basis, and I certainly appreciate what you do.

Aside from the funding—and we know that is the critical aspect here—could each of you take about a minute, because I have less than 5 minutes, and describe your relationship with other agencies—Federal, State, and local—and how that is going? I am not asking you to be critical, but I am asking you to state the facts and how thorough we are in exchanging information and cooperating from top to bottom and side to side.

So, Mr. Pistole, please.

Mr. PISTOLE. Thank you, sir.

So, for TSA, since I started last July, one of the first things I learned is that TSA obviously can't be all things to all people in all places at all times, when it comes to threat mitigation, and recognizing that we can never fully eliminate the risk, but we can do a lot of things in terms of mitigating the risk.

But the best we do that is through our partnerships, and whether it is through grant funding, whether it is through joint training—I think agencies that train together perform well together. It also gets to the issue of resiliency because, unfortunately, I believe that it is not a question of if but when there will be an attack here on the homeland.

So how do we prepare for that attack, and then how can we respond to it; information sharing is a key part of that.

I will just try to keep my answer brief there.

Mr. MARINO. Thank you.

Mr. Fugate.

Mr. FUGATE. Yes, sir. As the grant administrator, we work with a lot of partners. But I have to, for your benefit and for the Chairman's benefit, I cannot express how glad I am that John Pistole took the position as the administrator of TSA. I think we have a much stronger working relationship.

Obviously, when we are working with our locals, it is important that DHS speaks with one voice, as they are the subject-matter experts for the grant administrator. I think John has been a strong partner in improving that relationship. I cannot give him enough credit. He was instrumental in helping us get the MOU with TSA and FEMA to make sure that we are serving our locals and States with one voice from DHS.

Mr. MARINO. Thank you, sir.

Mr. Daddario.

Mr. DADDARIO. Yes, Congressman, we have, I think, an excellent relationship with TSA and FEMA. We also have a very close relationship with Federal law enforcement and the intelligence community. We have over 120 detectives and other officers at the JTTF in New York. We also have officers here at LX-1 and NCTC and other Federal agencies and law enforcement and public safety agencies.

We have very good relationships with the MTA, the Metropolitan Transportation Authority, the Port Authority, Amtrak, Long Island Rail Road, New Jersey Transit. We, in fact, host various meetings to coordinate rail transit safety and security issues. We also have very good relationships with local law enforcement offices in the region through various programs we have, where we have outreach

and liaison relationships, including joint training operations with other law enforcement offices.

So I would say, overall, we have excellent relationships, both Federal, State, and local.

Mr. MARINO. Thank you.

Mr. Rodriguez.

Mr. RODRIGUEZ. I would echo the exact same sentiment. I would give accolades of the amount of information that we receive in our region. We work very well with the Joint Terrorism Task Force on the FBI side. We work very well with FEMA, with the Illinois Emergency Management Agency, as well.

What the city of Chicago, I think, has done very well for the past number of years is, we have what is called the Office of Emergency Management and Communications. It is the hub for Federal agencies, for State agencies, and city agencies to communicate about any type of disaster preparedness for the city of Chicago and its region.

So, one of the things, too, that I think has improved our communication over the past few years has been the ability for us to federate our CCTV network, our cameras. So the Chicago Transit Authority, along with police networks and Federal agencies, all have access to our cameras.

If you look at the transit system, as it spreads out from the central business district and out through the region, we have one of the best fiberoptic networks in the entire region, and everyone loves to use our system. We welcome the use of our system and of our cameras. So thousands of cameras, I think, has improved the ability for us to communicate effectively and very well.

Mr. MARINO. Thank you.

Mr. Hartwig.

Mr. HARTWIG. Congressman, twice yearly, sponsored by FEMA, TSA, the safety/security executives from, I believe, the 50 largest transportation agencies meet. The expertise and the knowledge that is exchanged at those meetings is invaluable.

That said, BART will celebrate its 40th year of service September 11, this coming September 11. The gentlemen at this table, the ladies and gentlemen in this audience, provide support to my system specifically.

We are basically in the embryo stage of the transportation business. I make many phone calls. I don't have a lot of answers, myself personally, but I know a lot of people that point me in the right direction. So the contacts that are created through these transportation and safety and security opportunities, again, are invaluable. Without the support of these agencies represented here today, we would struggle.

Mr. MARINO. Thank you, gentlemen.

Mr. Chairman, I yield back. Thank you.

CHAIRMAN KING. I thank the gentleman.

I recognize the gentlelady from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and thank you for this hearing.

I think the more frequently we address our responsibilities in oversight and security, the more effective and important our com-

mittee becomes, in light of the recent incidents that showed how great America is. I could not be in a Homeland Security hearing without expressing, again, my appreciation to all of the National security team, including our United States military and the President of the United States, for a historic effort that resulted in the demise of the face of terrorism, Osama bin Laden.

That doesn't in any way diminish the responsibility of those of you at this table for the general responsibility of your jobs in Chicago and, I believe, San Francisco. Then the administrators here in Washington, we now have the responsibility to be ever ready for the potential of collateral damage. So this hearing is enormously important for these grants' focus on the infrastructure of transportation and how we are continuing our protection.

Let me also acknowledge my concern and sympathy for those in Alabama. My colleague and Chairman of the committee I serve as Ranking Member on had his community impacted. I know that we are forever vigilant on being able to help the people of the region that suffered with the massive tornados.

Mr. Fugate, I would appreciate your returning my phone call on the issues that I have just expressed, and I look forward to us getting a meeting scheduled. I also would like, as an aside, an update on the response to the fires in Texas. So, if your staff can get with my staff, I would appreciate it.

What I do want to inquire—and I do want to add my appreciation for the immediate work for FEMA that I perceived as this tragedy moved forward. Let me just ask you quickly: What is the role of FEMA in the transportation security grants? Just very quickly, because I wanted to speak to Mr. Pistole, please.

Mr. FUGATE. Yes, ma'am. Our primary role is to administer the grant programs to provide the oversight and monitoring of the performance of those grants. But the subject-matter experts is really with the Transportation Security Administration.

Ms. JACKSON LEE. Let me say that you have done that well, and my next points will not be a reflection on how FEMA has handled it.

Let me, Mr. Pistole, focus on something that I am particularly concerned about. You are quoted that, "Surface inspectors are the jack of all trades." If you believe that they are specialists enough, would you call them experts? Would you call the surface inspectors experts? If so, what kind of experts are they? What is their educational background and years of experience, in terms of the people that you would hire? Because I think this is very much a part of the grants. What kind of training is provided for surface inspectors? What is the duration of the training, and how often is this type of training occurring?

I would also ask the question why we don't merge the whole administrative and selections process under TSA, because FEMA certainly has a lot of other responsibilities.

But the main issue is the training of surface inspectors and what kinds of individuals do you select.

Mr. PISTOLE. Thank you, Congresswoman—

Ms. JACKSON LEE. How many hours do you believe they should be in training?

Mr. PISTOLE. So the general construct is that all of our surface inspectors go through a 5-week basic training. I visited those, a class of 23, several weeks ago in Oklahoma City at the FAA facility there. That basic training is to ensure that, if we have a surge capacity need in any particular areas, whether it is cargo, whether it is aviation, whatever it may be, that they have the ability to assist on that.

Those who go on to specialized training then continue, and whether it is 1-, 2-, 3-week schools, but that will continue over the course of their career.

In terms of their baseline qualifications, the class of 23 that I just met with ranged across the board. Most came from industry themselves, so they have a good understanding and work experience before ever coming to TSA. So they understand how things should be done and when things are not working right what can be done to address it and remediate those problems.

I can, obviously, get you the exact statistics on—or the figures on the demographics in terms of work experience, age, all those things. I was struck by—because I went around, I asked each one to give me their background—I was struck by the wealth of experience that they brought to the table.

Ms. JACKSON LEE. Mr. Pistole, it has come to my attention that there is only 1-week training on surface transportation. So I need you to explain that. How much training do you need they need to become experts? I think we have a training Achilles' heel.

Mr. PISTOLE. Well, I agree, Congresswoman, that the more training that they can receive and the better on-the-job experience and training and just their experience before coming to TSA are all critical factors. So we are looking to expand that training to specialize.

But I want every surface inspector to have a broad base, but I also want to have those that have specialized training—and they do. It is a question of how much can we do while they are also doing the critical functions that we ask them to do.

CHAIRMAN KING. The time of the gentlelady has expired.

Ms. JACKSON LEE. Mr. Chairman, could I just put a question on the record for him to put in writing, please? I just want to put it on the record.

CHAIRMAN KING. Yes.

Ms. JACKSON LEE. Mr. Pistole, would you provide me with the staffing that are your closest advisors and the diversity and the numbers of years or months that they have been in TSA? I would like them by diversity and, as well, male/female, et cetera, and ethnic diversity, your key advisors, please.

Mr. PISTOLE. Gladly.

Ms. JACKSON LEE. Thank you.

I would yield.

CHAIRMAN KING. The time of the gentlelady has expired.

The gentleman from Pennsylvania, also a United States Attorney and the Chairman of the Subcommittee on Terrorism and Intelligence, Mr. Meehan, 5 minutes.

Mr. MEEHAN. Thank you, Mr. Chairman.

I think you probably passed over one of the more important requirements or qualifications for this, as I used to regularly take the subway into work when I worked as a U.S. Attorney in Philadel-

phia. So I appreciate the tremendous challenges that all of you are facing.

We have discussed a little bit of the issue today about funding. That is certainly always a battle. I also appreciate some of the important oversight responsibilities, because there is nothing worse than sending money down the line that isn't well-spent. But there is a real issue with money that is still out there.

I am referring to a GAO report, Mr. Fugate, that discusses that in only 3 percent of the funding from 2005 to 2007, in the study, had found its way down the line. My understanding is that, as of last year or early this year, we are still looking at only 13 percent of the funding, which has already been put in place, that is available, is in the line and being spent.

Where is the problem? What can we do to fix it so that money that has already been appropriated, that is sitting there, is well-used?

Mr. FUGATE. Well, I think there are several pieces of this, and I think it is challenging. I served as a State administrator of agency, and whenever we got into a capital project where we were going to do construction, we not only have the grant program itself, we have our own State and local regulations to work through—bids, construction. As these work as reimbursement grants, some of these projects take multiple years to fund and complete.

But we also recognize there is something we can do about the lack of drawdown, and that is to bring visibility to the remaining balances that States have that they are clear to bring and seek reimbursement for. Oftentimes, as we go through from local to State reimbursement processes and getting those funds drawn down, by showing those outstanding balances to many of the senior leadership, it is starting to move those dollars more rapidly. They are making those requests more timely.

Again, I think this is part of our challenge, is recognizing that, unlike operational costs, such as dog, K-9 units and other things, that you expend those funds, you seek your reimbursement in that calendar year. These construction projects have taken longer.

But we think that one of the key steps is to show the remaining balances. That is causing a lot of the senior leadership to recognize the urgency of getting those dollars not just obligated—this is what we asked, they obligate the dollars, but to actually draw them down as they complete the work rapidly, so we can show that those funds have been received by the State and locals.

Mr. MEEHAN. Is that where you are largely seeing these things at least being focused on as construction-based projects as right now as opposed to operational?

Mr. FUGATE. Yes, sir. The operational, we see those coming much quicker. But, again, as these work up through the system, we are looking for where bottlenecks are. Oftentimes, through the reimbursement process, it is important that, as we get these in, that we actually show—you know, the terminology sometimes drives me nuts, but the term "obligated" means we spent the money against that grant. But if you haven't drawn those dollars down, it still shows an outstanding balance.

So we are trying to move past—just merely obligating it isn't addressing the issue. We actually need you to have those dollars that

have been spent be drawn down to reduce those outstanding balances.

Mr. MEEHAN. But we have to get them into a project that is doing something, as, for instance, enhanced camera security or the other things.

Mr. FUGATE. Yes.

Mr. MEEHAN. I mean, the essence is to get these protections on the line.

Let me ask a question. Maybe, Mr. Pistole, you can participate in the answer of this, as well. To the extent that we are making these, how do we look to assure that what funding is put is tied to vulnerability assessments, so that these dollars that we get are being spent in the ways that the professionals believe are going to have the greatest impact on preventing somebody else from carrying out an act of terrorism in our transportation system?

Mr. PISTOLE. Thank you, Congressman. So we work with both the intelligence community, law enforcement community, and industry to identify what we collectively see as the most vulnerable points in the system. So, for example, whether it is a PATH tunnel between New Jersey, New York, if something catastrophic happened to one of those, what would be the impact, not just to the loss of human life, but the economic impact, as was described earlier.

So there is a thorough assessment that is done. There is a ranking of those that is obviously closely held. We don't publish that, obviously. But it is—obviously, we will make it available to the committee. So we look at that and say, how can we then use and basically invest those funds in the most prudent way to buy down that risk?

So we can't just spread out the money everywhere across the country. In my hometown in Indiana, there has been—all the years I have been doing this, there has never been anything in the threat matrix identifying that hometown as a target. So we try to look at those areas where there is the greatest risk and vulnerability and how can we apply that money in a coordinated fashion.

Mr. MEEHAN. Just one closing comment. I know in the aftermath of the very wonderful events that happened just the other day, I know we are also quite aware of the potential for repercussions. One of the first places that we all look are in the transit systems. I want to express my appreciation to those of you who are on the front lines. I know you are already beginning to work in a collaborative fashion to try to strengthen the utilization of the resources we have dedicated to it to keep them safer at this sensitive time. So good luck to you.

Thanks.

CHAIRMAN KING. I thank the gentleman.

The gentlelady from New York is recognized for 5 minutes.

Ms. CLARKE of New York. Thank you very much, Mr. Chairman. Thank you to our Ranking Member.

Let me also thank our panelists for bringing their expertise to bear on this very important hearing their morning.

My question is really to those of you who operate transit systems. As has already been stated by a number of my colleagues, in the wake of the demise of Osama bin Laden, we must all pre-

pare ourselves for possible retaliatory events. I want to use this opportunity to implore all Americans to remain vigilant and to remember if they see something to say something.

Terrorist events around the world have shown that mass transit systems, like other modes of transportation, are oftentimes targets of attack. New York City has one of the largest subway systems in the world, as well as one of the most complex and intricate bus transportation networks. Millions of people ride these systems every day. A plot to attack the New York City subway system has been thwarted in September 2009. The Metropolitan Transportation Authority has worked hard to keep passengers safe, as I know our other transit systems have.

My question is: How would these cuts in transit security, in the Transit Security Grant Program, potentially hurt your progress made in training workers, equipment upgrades, and repairing the system?

I personally believe that we must at least support a maintenance of effort in terms of funding. But, at best, I think we should consider a line-item funding from our Federal budget that would keep our Nation's mass transit systems in a forward-leaning posture. So I want to ask that of you.

Then, if you could, in the remaining time, also address what your agencies are doing to exercise evacuation plans. The public does not hear enough about that, and I know that, having witnessed what took place on 9/11, there is always mass hysteria.

So I would like you to try to tackle both those questions.

Thank you, Mr. Chairman.

Mr. DADDARIO. Congresswoman, certainly, if there is a reduction in funding, it will compromise, to some extent, the security of the transit system. There will have to be reductions in training, some of the deployments we use. Quite frankly, it would be impossible to compensate for the loss of Federal money from local revenues. I just think that is—just common sense tells you that.

With respect to evacuation plans, the police department has evacuation plans for each bureau. We also have—I believe the Office of Emergency Management, working right now with Federal DHS money, on a catastrophic study which involves evacuation, as well. The police department will begin working with OEM on that, as well.

So from the New York City Police Department perspective, we think we have sound evacuation plans in place.

Mr. RODRIGUEZ. Yes, ma'am. To answer that question, the city of Chicago, along with, as I had mentioned earlier, the Office of Emergency Management and Communications is basically the centerpiece of us conducting any types of evacuations, both in our subway systems and across the city itself. So they pulled together the Chicago Police Department, the Chicago Fire Department, Federal agencies as well. We have done some exercises basically evacuating downtown areas completely in case of an emergency. That is something that the mayor has done very aggressively in his tenure there. The CTA and our network has been used to basically reverse commute and move everyone out, if that is the case.

So in terms of those types of evacuations, those continue. They are funded with Department of Homeland Security funding, so that would be a huge blow to us.

Separate and apart from that, I would very much welcome a steady stream of on-going funds, because the reality is, again, taking the cameras as a topic, as we have been discussing, is the initiatives that we have to continue installing cameras, thermal cameras, in our subway systems and throughout our entire network. We would have to delay the project.

It is not just a one-time installation. Technology changes; we have to continue maintaining these. We have cameras on our system that are analog that are 5-year-old technology. With the high-definition type of technology that is available now, I am able to install one camera in the place of five old ones.

So, as technology continues to advance, we have to continue making that investment. Analytics on the cameras, too, which will require much less human monitoring of the cameras. So, as technology advances, that is an on-going investment. A steady stream of funds, a line item, as you say, would be very much welcomed.

Mr. HARTWIG. Congresswoman, again, on the funding issue, the boots on the ground, uniforms, the front-line employees, the people involved within my system that have received training about terrorism awareness and recognition, will serve them forever. That is a given.

What we will fail to have is to have the ability to do enhanced layers of security that have a serious cost to them within our infrastructure—technology.

My property has a unique, unique location, the second-longest underwater tube in the world. The design process alone is a huge challenge. How does that translate in what we look at? In 1989, Loma Prieta earthquake. We represent earthquake country in California. Our evacuation plans are directly tied to the Office of Emergency Services. It is kind of a unique system. When you look at a transportation agency, it is to first get the people out of the transportation location and control that chaos. We have witnessed it. We have been very lucky. The lessons learned from those opportunities are to enhance those evacuation plans. We train on a regular basis, most recently 3 weeks ago, with all of our local first responders within northern California and specifically the city of Oakland, not just police and firefighters, medical, offices of emergency services. Those drills go on on a regular basis. I think we are well-prepared.

The training aspect is a fully funded source, as well. We need those funds to continue to provide layers of security. Training is at the top of the list.

CHAIRMAN KING. Your time has expired.

The gentleman from Illinois, Mr. Walsh, is recognized for 5 minutes.

Mr. WALSH. Thank you, Mr. Chairman and Ranking Member and all the guests who came to testify.

Mr. Pistole, quick question. TSA has more than doubled the size of its inspectors in its Surface Transportation Security Inspection Program in the last few years. Explain how TSA assesses how this increased number of inspectors is actually improving security and where they are most needed.

Mr. PISTOLE. Thank you, Congressman.

There are a number of areas. I will highlight the most significant.

One is in our Certified Cargo Screening Program. So we use inspectors to go in and actually inspect over 1,160 companies that do screening of cargo that go either on cargo planes or, as we know, most go on passenger planes. So as opposed to TSA trying to do that all ourselves, we work with private industry to assure that that cargo is being properly screened, especially given the Yemen cargo plot that we saw last October. That allows us to trust, but we need to verify, in the sense that we have to inspect each of those to ensure that they are doing it to our standards.

I will note that we have found several instances where some of that screening was being falsified. So there are on-going investigations, both civil and criminal, as to individuals who have certified they were doing the screening when it was not being properly done.

So that is a key area. There are other areas, but that is one of the biggest areas as we continue trying to promote the free flow of goods and commerce and people with the best possible security.

Mr. WALSH. Great, thanks.

To our guests operating the transit system, quick question about training. What sorts of training do your workers receive when it comes to security matters? Do we distinguish between, you know, ticket agents and mechanics and the various types of training they receive when it comes to security issues? If you could each touch upon that.

Mr. DADDARIO. The police department provides security through its police officers, so our training is primarily provided to police officers. They receive a whole range of training, including how to utilize certain equipment, like bomb-detection equipment, to detect terrorist activities, how to respond in the case of someone with a gun or a bomb, what is the right type of response. Training is of that type. Much of that training is provided with transportation security grant moneys.

Mr. WALSH. Mr. Rodriguez.

Mr. RODRIGUEZ. So, similar to what has just been said is we look to the Chicago Police Department, Chicago Fire Department, and those agencies to respond when there is an actual issue or matter at hand. When it comes to our customers and our actual employees, we have campaigns, as the one that has been mentioned here, to see something, say something, for our customers.

But our employees on hand, our customer assistance, our actual maintenance—as you had mentioned, just a variety of different job descriptions throughout the Authority—received the basic training on how it is to basically remain vigilant. We put notices out to our employees system-wide, all 10,000 of them, basically notifying them that they are all to remain alert and ensure that we are assisting our customers.

So the campaign process is what we use to really notify everyone throughout the system, but we do also, again, do individualized training, depending on the individuals, on the job description.

Mr. WALSH. I mean, to the point where, if a ticket agent sees a suspicious-looking package, is he or she trained in what procedures to—

Mr. RODRIGUEZ. Yes, absolutely. Again, we have what is called our control center, our operations center. Everything goes and flows through that information center there. Through that booth there, we have individuals from the Chicago Police Department, Chicago Fire Department that sit and visit there, as well from the Federal agencies. So the communication gets spread out through that hub there.

But individuals such as that are notified that they are immediately to contact the control center, and we begin with the experts to address the issue, again, send in whatever teams need to be sent in to address the issue, be it a bag that is unidentified—we have oftentimes things like that occur—or individuals that are basically sometimes tourists who come in and love to take tons of pictures of our systems. We are not big fans of individuals coming in and taking pictures of our system. So they are trained to identify the tourists from the non-tourists.

Mr. WALSH. Mr. Hartwig.

Mr. HARTWIG. Recognizing information from TSA specifically, in 2007 we took advantage of a funding source from TSA that trained our frontline employees—our station agents, our system service workers, those people that interact with our patrons on a daily basis. The police department recognized, if we want true information, the best people to receive it from are those people who work within those systems on a daily basis.

Operations from a trains sense and operations from a police sense often dynamically oppose each other. The relationship that we now have with our operations department is to partnership and rely upon those employees. The distinction between a suspicious package and a McDonald's bag or newspapers, there is a big difference. Our agents know, have learned what that is.

It is an on-going yearly certification program that they go to. The police department provides updates, again, a source that was provided by TSA.

Mr. WALSH. Great.

Thank you all.

Thank you, Mr. Chairman.

CHAIRMAN KING. Thank you, Mr. Walsh.

I recognize the gentleman from Massachusetts for 5 minutes, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

First, I would like to acknowledge the willingness of Mr. Pistole to help in the airport security issues surrounding the perimeter and tarmac issues, and I would like to publicly acknowledge that.

Mr. PISTOLE. Thank you, sir.

Mr. KEATING. My question is more general, and I think it would be directed at Mr. Pistole. That is, there has been discussion this morning about the increased threats relating to the events of the last few days and the killing of Osama bin Laden. But it was just a few weeks ago that the Secretary of Homeland Security told us that at no time since 9/11—this was prior to the more immediate events—at no time since 9/11 has this country been in greater danger.

I wanted to ask you if that includes, as well, these increased threats. Does that also include threats to mass transit? Particu-

larly, my concern is in light of what is going on in the rest of the world, with increased targets being bus, rail, and other factors, ports.

So I wanted you to just address, from your perspective, in mass transit, is that consistent, as well, or is it greater even, in terms of the Secretary's remarks of the greater threats we are facing right now?

Mr. PISTOLE. Thank, Congressman Keating.

I think we are in one of those periods of time where there are so many unknowns, so many variables, that we are all trying to ensure that we are vigilant as to those things that have not come up on the intelligence community or law enforcement community's radar, whether it is a lone wolf, as was mentioned earlier, somebody who may be either inspired by what has happened in this past week to take action on their own.

Without going into detail, of course there are no specific threats to mass or rail transit right now in the United States. We are very mindful about what has happened around the world, particularly since the Madrid bombing back in 2004. So, we see those vulnerabilities, we see what is happening in Moscow in the subway there, we see what has—of course, other places already mentioned.

So I think it is a relative term or assessment as to are we more vulnerable now or less. The bottom line is we are concerned today, just as we were yesterday and will be tomorrow, that terrorists are try to go hurt us or try to kill us in any means or mode that they can, and recognizing that transportation is one of those key vulnerabilities that we know both al-Qaeda, core al-Qaeda, and bin Ladin, Zawahiri, and all the others, or al-Qaeda in the Arabian Peninsula, as we have seen with the cargo plot and underwear plot coming out of AQAP.

We know that those are key modes that they are trying to affect, not only our livelihood, and as Administrator Fugate mentioned about the terrorist impact, but our economy. We saw from Inspire Magazine, \$4,200, you know, on the cargo plot is all it cost them, and yet the billions that it could impact, the global supply chain. So those are all things we are focused on.

Mr. KEATING. Quickly, I think this relates to funding as well, but we have been told that there is greater concern about domestic-based threats. It would seem to me that mass transit targets would be easier, for lack of a better word, for domestic-based threats than others.

So with that as a greater threat—and that has been consistently told to us, that there is concern for domestic-based terrorism—is it a feeling of yours that you are a higher-level target as a result of domestic-based threats than perhaps other types of threats?

Mr. PISTOLE. Well, yeah, absolutely, Congressman. I mean, it complicates—we are not just looking for those coming from overseas that may be more or easier to identify, hopefully. But with over 300 million people here, based on my experience in the FBI and all the investigations that we had on people who were home-grown or facilitators, enablers, whatever, providing material support—and, of course, this just going back to what we have seen with Timothy McVeigh in Oklahoma City and Eric Rudolph in the clinic bombings in the South or Ted Kaczynski, the Unabomber. I

mean, we have people born and raised here that have caused us harm and killed hundreds of people, so that is equally of concern.

Mr. KEATING. I yield back the rest of my time, Mr. Chairman.

CHAIRMAN KING. I thank the gentleman.

The gentlelady from California, Ms. Richardson, is recognized for 5 minutes.

Ms. RICHARDSON. Thank you, Mr. Chairman.

Thank you to all the witnesses for spending your time with us today.

Mr. Fugate, last December, the inspector general released a report on the use of Recovery Act funds by FEMA for TSGP. In fact, I was a little delayed because I was in a Transportation meeting discussing the same thing about recovery dollars.

The report provided two charts, one indicating the amounts disbursed for operational and capital investments and the other outlaying the amount of jobs that were created directly correlating with the fund allocations. Some of the mass transit agencies that received ARRA funds did not reflect any job creation numbers, while others that received less were able to create jobs.

Can you please explain how FEMA collects metrics through which allocates and can be measured to effectively mitigate threat and, in the case of ARRA funds, stimulate the economy by creating jobs?

Mr. FUGATE. Thank you for the question.

This goes back to even further, originally, findings from the General Accounting Office and from the inspector general that we did not have strong performance metrics tied to many of our grant programs.

In the case of the Transportation Security Grant Program, we are implementing that for 2011. So we are still having to go back on Recovery funds and try to get the information and show those connections and look at what was created.

I think you have pointed out that it was not equal, as we saw others. Some agencies did create a lot of jobs. Others went into projects and capital improvements that maybe were not showing those jobs. So we will work to collect that information for you.

But we are working to build those tools into the 2011 grant cycle so we are able to pull out that information and show the accountability.

Ms. RICHARDSON. Thank you.

Mr. Pistole, on January 26, 2009, you spoke at the TSA headquarters and stated that we want to put some focus on surface transportation—rail and transit and the like. Turn your attention to the following area.

Then my follow-up question is: What actions have you taken since that speech to focus resources within TSA for programs to support mass transit security? I know you have been talking about it today, but specifically in reference to your speech, what did you do differently?

Mr. PISTOLE. I am sorry, Congresswoman. You said the speech was in 2009?

Ms. RICHARDSON. Yes, January 26, 2009.

Mr. PISTOLE. So I started TSA July 1, 2010, so it may have been in a different context or something, so I am not quite sure what that statement was.

But that being said, what I have been focusing on since I became the administrator last July is ensuring that we can leverage strategic partnerships, given the funding that we have, based on TSGP and other opportunities we have for training, for K-9s, whether it is through—there are a number of different programs I could go into—I-STEP, different intelligence-sharing mediums and mechanisms that we have used.

But the key is that it is partnership between industry, State and local law enforcement, and, obviously, Administrator Fugate and FEMA. How we can best leverage those limited, frankly, limited funds that we have in the most informed fashion that, again, reduces or mitigates risk without trying to eliminate risk?

Ms. RICHARDSON. Okay. The little whisper in my ear tells me it was 2010. So January 26, 2010.

Mr. PISTOLE. Okay. I was still at the FBI—

Ms. RICHARDSON. Well, we can follow up and give you the notes of your own speech.

Mr. PISTOLE. Sure.

Ms. RICHARDSON. We would be happy to.

Administrator Fugate and Mr. Pistole, my final question, the Transit Security Administration has proposed changes to the Transit Security Grant Program guidance for 2011, which may have detrimental impacts on transit authorities and the partnership that has been developed since the program's inception. I have been informed that these changes are needed in order to be able to provide quantitative results of the TSGP by focusing on a majority of the funding on 62 distinct assets, meaning bridges, tunnels, stations, et cetera. This could potentially limit TSGP's flexibility.

I have a two-part question, which essentially is: Can you discuss how you developed the list of the 62 assets? No. 2, do you see these changes—how would I phrase it? Do you think that it fails to recognize the true nature of the risks associated with the transit systems and fails to acknowledge that transit is a system of systems?

For you, Mr. Pistole, I would like to know, were you involved with Mr. Fugate as these changes were proposed?

Mr. PISTOLE. Thank you, Congresswoman. Yes, a multipart question there. Let me address the part about the, let's say, the 62 and looking at those critical infrastructures that we assess—we, the intelligence, law enforcement community, with the industry—that we assess as being most vulnerable.

So it gets back to the issue of: How do we best invest our dollars, Federal dollars, with State and local dollars to buy down that risk? If there is a critical infrastructure, whether it is a bridge or a tunnel under a river, underwater tunnel or something, how can we best leverage our assets at the Federal level with State and local, in terms of what they are doing, whether it is on hardening that particular target, whether it is through additional K-9s or patrol officers or things like that? So those are all part of that.

The MOU that Administrator Fugate mentioned earlier is, I think, a key step in moving us to the next level as we make in-

formed judgments about where we can best invest the money that Congress provides to us.

Ms. RICHARDSON. Are you working with him directly on that?

Mr. PISTOLE. Yes.

Ms. RICHARDSON. Okay.

Mr. FUGATE. Yes, Congresswoman. The working relationship with TSA is, as the subject-matter experts, they identify, prioritize what the threat is based upon the interaction that the administrator talked about. We are responsible for then ensuring that we have the grants administration but also building, as you point out, the matrices of how we measure that performance.

Again, we understand that, as these decisions are being made, our ability to communicate and implement that as we go into each grant cycle is key to that success. But it also means working with TSA as the subject-matter expert on what that threat is, how to prioritize that as a subject-matter expert so that we can make sure the grant conforms to that threat.

Ms. RICHARDSON. Thank you.

I yield back the balance of my time.

CHAIRMAN KING. I want to thank all the witnesses for their testimony. Thank you for your service.

Mr. Rodriguez, we wish you the very best, and thank you for your service in Chicago.

Members of the committee may have additional questions for you, and we will ask you to respond to them in writing. We will keep the record open for 10 days.

CHAIRMAN KING. Without objection, the committee stands adjourned.

[Whereupon, at 11:40 a.m., the committee was adjourned.]

APPENDIX I

STATEMENT FOR THE RECORD OF THE AMERICAN BUS ASSOCIATION

MAY 4, 2011

Mr. Chairman and Members of the committee my name is Peter J. Pantuso and I am President and CEO of the American Bus Association. The ABA is the trade association for the private over-the-road bus companies and represents the tour, travel, and transportation industries. The ABA represents 800 motorcoach companies and nearly 60 percent of all motorcoaches on the Nation's highways. In addition, the ABA represents another 3,000 tour operators, destinations, attractions, convention and visitors' bureaus, hotels and restaurants, as well as companies that manufacture motorcoaches and those that provide equipment and services to bus companies. ABA motorcoach operator members provide a variety of transportation services (scheduled service, point-to-point, tour and charter, commuter and airport and employee shuttle) to 760 million passengers a year.

On behalf of the ABA and its members, I want to thank you, Mr. Chairman for convening this hearing. Transportation security is the highest priority for the ABA and its members. Motorcoach operators as well as the destinations that rely on motorcoach business, require security. Since fiscal year 2002 the appropriations process has allowed the private over-the-road bus industry to compete for funds to enhance the security of our facilities, equipment, and passengers. The program, better known as the Intercity Bus Security Grant Program (or IBSGP) is a competitive grant program administered by the Department of Homeland Security (DHS). From fiscal year 2002 to fiscal year 2010 the IBSGP has granted approximately \$10 million dollars annually for bus security. For fiscal year 2011 the amount available for the IBSGP was reduced to \$5 million dollars. By comparison, the domestic airlines, the Nation's transit system and Amtrak have been awarded billions for security funding in the years since 9/11.

From fiscal year 2002 to fiscal year 2009 170 bus companies have been awarded IBSGP grants in the amount of a little over \$83 million dollars (A copy of a chart detailing the grantees and the amounts awarded is attached to the end of my testimony). These grantees were awarded varying sums depending on their operational "footprint", resources, and size. Each grantee was required to provide at least a 25 percent match to the amount of the grant and have in place a company-wide security plan. In addition, the IBSGP had two tiers of awards; one for larger and scheduled service operators and a second for smaller, and generally charter and tour bus operators. The funds granted have been used for several purposes. Among them: The establishment of passenger screening procedures, the development of driver shields to deter attacks on drivers, provision of emergency communications between bus dispatch, drivers, and emergency first responders, the development of security systems that allow the operator to "kill" a bus's engine via a radio signal, to the purchase of digital cameras for bus staging areas, maintenance facilities, and garages, and the purchase of Global Positioning Satellites systems (GPS) to give the operator real-time information on bus locations. The relatively minor sums of the IBSGP are not completely responsible for the security upgrades noted above but the IBSGP funds along with the bus operators' own funds have contributed to these security advances.

My plea to the committee is simple. The bus industry is in need of continued security funding. The fact that the grantees so far have been domiciled in all fifty States is testimony to the nature of the threat. Tourist destinations, transportation facilities and the buses themselves are targets. It is instructive to note, according to the Mineta Transportation Institute, that worldwide over the last century buses and bus facilities have been prime terrorist targets. Moreover, the Transportation Security Administration (TSA) in its recently released threat assessment of the intercity bus industry in effect applauded the IBSGP as necessary to protecting the Nation's

many bus passengers. Finally, in April of this year the Highway Information Sharing and Analysis Center (Highway ISAC) released a document detailing the “Potential Threat Towards Buses” stating that: “Motorcoaches are considered as potential targets by terrorists because they are relatively ‘soft targets’ . . . Motorcoaches may be targeted for the number of passengers they transport, and the potential for them to be used as weapons. Motorcoaches are often views as innocuous to law enforcement and are able to gain close access to critical infrastructure.” (A copy of the Highway ISAC report is attached). All the information at hand points to the continuing need for an IBSGP.

While the need for bus security funds may seem obvious and the sums heretofore appropriated for it relatively minor, ABA is concerned about two recent developments. The first is the reduction of funds for bus security grants. The reduction of the IBSGP by more than half is, in our view, not consistent with the conclusion that bus security for its 760 million passengers must be a high priority especially when compared with the billions of dollars spent on air and rail security. The second development is the merging of the IBSGP into transit security. ABA and its members do not contest the view that transits must be secure. However, we are concerned that IBSGP applications will receive lessened consideration and fewer resources when placed alongside applications by transit agencies for vastly more security resources.

In summary, ABA asks for a restoration of the IBSGP funding to the level prior to fiscal year 2011. In addition we ask that the IBSGP remain an “independent” program. The security needs of these two modes are not identical and each should be considered separately. In ABA’s view, the bus industry’s security needs are best met with, as they have been until now, with a series of relatively small grants to a wide range of bus operators over the many States. This is in contrast to the large grants made to small numbers of large transit agencies with smaller “footprints” but larger coverage areas.

The ABA and its members ask for your support for the IBSGP. The Nation and the 760 million passengers who ride the private over-the-road buses are depending on your support to continue to keep them safe. Thank you for your consideration.

APPENDIX II

QUESTION FROM HONORABLE LAURA RICHARDSON OF CALIFORNIA FOR JOHN S. PISTOLE

Question. What is the status of TSA/FEMA efforts to develop measures of effectiveness for TSGP grants and the administration of the grant program?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE LAURA RICHARDSON OF CALIFORNIA FOR W. CRAIG FUGATE

Question. What is the status of TSA/FEMA efforts to develop measures of effectiveness for TSGP grants and the administration of the grant program?

Answer. Efforts to measure the effectiveness of the Transit Security Grant Program (TSGP) grants are underway but require additional work. FEMA has developed a few performance measures and is working to collect the data for these measures through its programmatic grants monitoring tool. The information that was used in the fiscal year 2010 monitoring process looked at TSGP projects completed, as compared to the total projects approved for the agencies monitored. Data for this measure are derived from the information that is collected from TSGP grantees during monitoring desk reviews and site visits conducted by FEMA's Grant Programs Directorate (GPD) Program Analysts. Beginning in fiscal year 2010, Program Analysts used a Programmatic Grants Monitoring database to track grantees' progress toward the implementation and completion of TSGP projects, including projects' alignment to the preparedness cycle (planning, operational packages, equipment, training, and exercises). The progress scores for projects were extracted from the monitoring database and the results were imported into a monitoring report for analysis.

GPD and National Preparedness Directorate (NPD) are also working together to develop additional performance measures that will aid in determining how well the grants are managed and the overall effectiveness of the grant programs, including the TSGP American Recovery and Reinvestment Act of 2009 (ARRA) awards. As GPD and NPD collaborate, they will also work with the Transportation Security Administration (TSA) to develop more meaningful measures.

QUESTION FROM HONORABLE LAURA RICHARDSON OF CALIFORNIA FOR RICHARD DADDARIO

Question. What are the roles and responsibilities of the New York Police Department across New York's Metropolitan Transportation Authority?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE LAURA RICHARDSON OF CALIFORNIA FOR RICHARD L. RODRIGUEZ

Question 1. You mentioned in your testimony that the CTA had planned to use future funds to install cameras on the rest of its rail cars in 2012, but because of a reduction in funding, this action will have to be delayed.

What effect does the delay in installing these security cameras have on the Chicago Transit Authority's ability to protect citizens?

Answer. Response was not received at the time of publication.

Question 2. Will these cameras simply have to be temporarily replaced by more of a ground presence by the Chicago Police Department, or does it mean something more significant?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE LAURA RICHARDSON OF CALIFORNIA FOR DANIEL O.
HARTWIG

Question 1. When compared to New York and Chicago transit systems, the Bay Area is by far younger and faces different challenges than those presented to older and condensed systems.

Can you briefly explain some of these challenges and elaborate on some of the security improvements that transit security grants have allowed you to make over the last few years?

Answer. Challenges: To secure funding to complete security projects identified by four different Threat and Vulnerability assessments of the Bay Area Rapid Transit System. To protect our most critical and vulnerable asset based upon location and environment (on the bottom of the San Francisco Bay) attaching the East Bay (Oakland) into the West Bay (San Francisco) Direct TSGP funding has already been allocated to this location to ultimately provide a “surface barrier” as well as a “marine barrier”. Without this funding, we would not be able to protect these critical assets at the level required.

Alarms, infrared sensors, and CCTV-enhanced and upgraded at this location with TSGP grants. Tube, tunnels, and underwater transit locations are identified as at “high risk”. Our system is made up of approximately $\frac{1}{3}$ tubes, tunnels, and underwater locations.

Question 2. Mr. Hartwig, can you please provide us with specific examples on how the use of TSGP funds has mitigated risks for terrorist attacks?

Answer. Mitigated risks: TSGP funds allow us to directly impact our most vulnerable and at-risk properties. Creating multiple layers of security hurdles to prevent the successful delivery of a terrorist attack. Training of police officers with current and reliable intelligence regarding threats against transit properties. Training front-line employees to be additional “eyes and ears” of our system provides another layer of security. Educating our ridership to recognize and react. “See Something, Say something.” Collaboration and partnership with local regional transit properties, produced unified message posted in all transit properties (Transit Watch). Utilizing Operational Packs to create a “Critical Asset Patrol Team” that is assigned to our critical asset corridor. Riding on trains day and night in random patterns to deter and mitigate the effects of any act of terrorism. K-9 teams trained to detect explosives.

Alarms, sensors and CCTV applications.

If Ms. Richardson would like, I can be available to speak with her via phone to discuss our Security Sensitive Information (SSI) projects which are heavily funded by the TSGP.

