

(c) Program elements

The interim final and final regulations developed under subsection (a) shall require security training programs to include, at a minimum, elements to address the following:

- (1) Determination of the seriousness of any occurrence or threat.
- (2) Crew and passenger communication and coordination.
- (3) Appropriate responses to defend oneself, including using nonlethal defense devices.
- (4) Use of personal protective devices and other protective equipment.
- (5) Evacuation procedures for passengers and employees, including individuals with disabilities and the elderly.
- (6) Training related to behavioral and psychological understanding of, and responses to, terrorist incidents, including the ability to cope with hijacker behavior, and passenger responses.
- (7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
- (8) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.
- (9) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on scene interaction with such emergency response providers.
- (10) Operation and maintenance of security equipment and systems.
- (11) Other security training activities that the Secretary deems appropriate.

(d) Required programs**(1) Development and submission to Secretary**

Not later than 90 days after a public transportation agency meets the requirements under subsection (e), each such public transportation agency shall develop a security training program in accordance with the regulations developed under subsection (a) and submit the program to the Secretary for approval.

(2) Approval

Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the public transportation agency that developed the program to make any revisions to the program that the Secretary determines necessary for the program to meet the requirements of the regulations. A public transportation agency shall respond to the Secretary's comments within 30 days after receiving them.

(3) Training

Not later than 1 year after the Secretary approves a security training program proposal in accordance with this subsection, the public transportation agency that developed the program shall complete the training of all employees covered under the program.

(4) Updates of regulations and program revisions

The Secretary shall periodically review and update, as appropriate, the training regula-

tions issued under subsection (a) to reflect new or changing security threats. Each public transportation agency shall revise its training program accordingly and provide additional training as necessary to its workers within a reasonable time after the regulations are updated.

(e) Applicability

A public transportation agency that receives a grant award under this subchapter shall be required to develop and implement a security training program pursuant to this section.

(f) Long-term training requirement

Any public transportation agency required to develop a security training program pursuant to this section shall provide routine and ongoing training for employees covered under the program, regardless of whether the public transportation agency receives subsequent grant awards.

(g) National Training Program

The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 748 of this title.

(h) Ferry exemption

This section shall not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46.

(i) Report

Not later than 2 years after the date of issuance of the final regulation, the Comptroller General shall review implementation of the training program, including interviewing a representative sample of public transportation agencies and employees, and report to the appropriate congressional committees, on the number of reviews conducted and the results. The Comptroller General may submit the report in both classified and redacted formats as necessary.

(Pub. L. 110-53, title XIV, §1408, Aug. 3, 2007, 121 Stat. 409.)

§ 1137a. Local law enforcement security training**(a) In general**

The Secretary of Homeland Security, in consultation with public and private sector stakeholders, may in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, develop, through the Federal Law Enforcement Training Centers, a training program to enhance the protection, preparedness, and response capabilities of law enforcement agencies with respect to threats of terrorism and other threats, including targeted violence, at a surface transportation asset.

(b) Requirements

If the Secretary of Homeland Security develops the training program described in subsection (a), such training program shall—

- (1) be informed by current information regarding tactics used by terrorists and others engaging in targeted violence;
- (2) include tactical instruction tailored to the diverse nature of the surface transportation asset operational environment; and

(3) prioritize training officers from law enforcement agencies that are eligible for or receive grants under sections¹ 2003 or¹ 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and¹ 605) and officers employed by railroad carriers that operate passenger service, including interstate passenger service.

(c) Report

If the Secretary of Homeland Security develops the training program described in subsection (a), not later than one year after the date on which the Secretary first implements the program, and annually thereafter during each year the Secretary carries out the program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the program. Each such report shall include, for the year covered by the report—

- (1) a description of the curriculum for the training and any changes to such curriculum;
- (2) an identification of any contracts entered into for the development or provision of training under the program;
- (3) information on the law enforcement agencies the personnel of which received the training, and for each such agency, the number of participants; and
- (4) a description of the measures used to ensure the program was carried out to provide for protections of privacy rights, civil rights, and civil liberties.

(d) Definitions

In this section:

- (1) The term “public and private sector stakeholders” has the meaning given such term in section 114(t)(1)(c)² of title 49.
- (2) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—
 - (A) a public transportation agency (as such term is defined in section 1131(5) of this title);
 - (B) a railroad carrier (as such term is defined in section 20102(3) of title 49);
 - (C) an owner or operator of—
 - (i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1151(4) of this title); or
 - (ii) a bus terminal; or
 - (D) other transportation facilities, equipment, or systems, as determined by the Secretary.
- (3) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.
- (4) The term “terrorism” means the terms—
 - (A) domestic terrorism (as such term is defined in section 2331(5) of title 18); and
 - (B) international terrorism (as such term is defined in section 2331(1) of title 18).

¹ So in original.

² So in original. Probably should be “114(t)(1)(C)”.

(Pub. L. 117–81, div. F, title LXIV, § 6419, Dec. 27, 2021, 135 Stat. 2417.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the National Transit Systems Security Act of 2007 which comprises this subchapter.

§ 1138. Public transportation research and development

(a) Establishment of research and development program

The Secretary shall carry out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.

(b) Grants and contracts authorized

The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(c) Use of funds

Grants or contracts awarded under subsection (a)—

- (1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and
- (2) may be used to—
 - (A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;
 - (B) research imaging technologies;
 - (C) conduct product evaluations and testing;
 - (D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;
 - (E) develop technologies for securing tunnels, transit bridges and aerial structures;
 - (F) research technologies that mitigate damages in the event of a cyber attack; and
 - (G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(d) Privacy and civil rights and civil liberties issues

(1) Consultation

In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 142 of this title.

(2) Privacy impact assessments

In accordance with sections 142 and 345 of this title, the Chief Privacy Officer shall con-