



March 16, 2012

Chairman Peter King
U.S. House of Representatives
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Ranking Member Bennie Thompson
U.S. House of Representatives
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman King and Ranking Member Thompson:

On behalf of the American Public Transportation Association (APTA), our more than 1,500 member organizations, and the millions of Americans who regularly ride public transportation, I write to offer APTA's views on the proposed FY 2012 Transit Security Grant Program (TSGP) Guidance and the FY 2013 National Preparedness Grant Program (NPGP). APTA was not consulted in the development of this new approach to preparedness grants that is embodied in both the guidance and the new grant program, which overemphasizes the value of a consolidated approach to these grants and unnecessarily eliminates the TSGP as a standalone program. We believe this approach to be inconsistent with the direction set forth under the Implementing Recommendations of the 9/11 Commission Act.

APTA recognizes many of the sound goals and positive policy provisions represented in the new proposal, including:

- **Peer Review:** APTA and its members already have a system in place for conducting peer reviews – we look forward to working with the Federal Emergency Management Agency (FEMA) to develop such a program.
- **Multi-year Grant Guidance:** APTA supports the approach of a multi-year grant guidance – previously, the TSGP guidance changed nearly every year, and APTA believes this to be one of the reasons that have contributed to delays in grant performance and drawdown.

Notwithstanding these positive improvements to the current program, there are several other program changes that cause us concern and which we believe could thwart the progress many grantee agencies have made to improve the security of their systems in recent years.

Problematic Program Changes: FY 2012 TSGP Guidance and FY13 NPGP

The “National Preparedness Grant Program” proposes to consolidate all grant programs previously categorized as preparedness grants into one comprehensive grant program. This is a drastic change that eliminates the standalone TSGP – the exclusive pool of funding for our nation’s public transportation systems. While this new program may be designed to meet the needs of the emergency management community and to more closely align with policy represented in the National Preparedness Goal, emergency preparedness and core capabilities are only subsets of the policy that the Transit Security Grant Program was intended to advance. Transit systems and their assets remain high-risk terrorist targets, and investments in hardening and other capital security improvements specific to transit agencies do not appropriately fall within this broader emergency preparedness policy. APTA calls on Congress to authorize and preserve a sufficiently-funded, segregated grant program for public transportation security as envisioned in the 9/11 Commission Act.

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Of additional concern is the new 24-month period of grant performance for all projects proposed in the FY 2012 TSGP Guidance, which is further contained in the proposal for the FY 2013 NPGP. This is a reduction from the previous 3-5 year allowable expenditure period. APTA certainly appreciates the concerns regarding unexpended security grant dollars and is committed to working with transit agencies to carry out important security projects in a timely fashion. However, it is important to recognize that capital projects (security-related or otherwise) require multiple years to complete, and a reduction in the time allotted to expend funding would preclude many much needed capital infrastructure security projects from being pursued and instead compel most grant recipients to apply for equipment and operational grants. This is not in the best interest of fortifying our systems against attacks, as the majority of the security needs identified in a 2010 survey of APTA's members relate to capital projects. APTA recommends maintaining the 3-year expenditure window with the opportunity to receive 6-month extensions up to a maximum of 5 years.

Similarly, the FY 2012 TSGP and FY 2013 NPGP place a high emphasis on operational activities and Operational Packages (OPacks). Congress has previously set a clear priority for transit security capital investments when enacting the "National Transit Systems Security Act of 2007" (Title 14 of the 9/11 Commission Act). Additionally, the FY 2012 grant guidance states that this year's funding priorities will be based on a pre-designated "Top Transit Asset List" or TTAL. APTA has testified previously that security investment decisions should be risk-based, which is the underlying approach of the TTAL. However, across the entire transit industry, thousands of assets are not listed on the TTAL and, thus, would not be eligible to receive funding. While this narrower funding approach is based on tighter fiscal circumstances and the total federal dollars available for security grants, it is also indicative of the inadequacy of current funding levels. The proposed approach will preclude important security improvements from receiving funding consideration. APTA recommends reauthorizing the public transportation security assistance provisions of the 9/11 Commission Act, and urges Congress to work to make adequate funding available for the program to meet national needs.

Finally, under the proposal, while transit agencies would be eligible for security funding, they would be required to apply for funding through their State Administrative Agency (SAA), and compete in this process with other state security priorities. This is a shift from the current program, where transit agencies are authorized to be direct recipients of grant funds. We believe that under this new proposal sufficient funding would not consistently get to transit agencies, and in many cases the involvement of the SAA has the potential to slow the already lengthy grant performance process. Congress has repeatedly endorsed the position that transit agencies should be direct federal grant recipients, as they have been through the Federal Transit Administration, and we urge Congress to continue this policy.

Thank you for your continued commitment to the security needs of our nation's public transportation providers and their riders. Should you have any questions regarding APTA's views on these issues, please do not hesitate to contact Brian Tynan on the APTA staff at (202) 496-4897 or btynan@apta.com.

Sincerely yours,



Michael P. Melaniphy
President & CEO