

**TESTIMONY OF
WILLIAM MILLAR
PRESIDENT
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
SUBMITTED TO
THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY**

On Public Transportation Security Investments for Fiscal Year 2011

April 21, 2010

SUBMITTED BY



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APTA is a nonprofit international association of nearly 1,500 public and private member organizations, including transit systems and high-speed, intercity and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products. More than 90 percent of the people using public transportation in the United States and Canada are served by APTA member systems.

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OVERVIEW

Mr. Chairman, thank you for this opportunity to provide testimony to the Subcommittee on the Fiscal Year (FY) 2011 funding needs for public transportation security within the budgets of the Federal Emergency Management Agency (FEMA) State and Local Grants program, and the Transportation Security Administration (TSA), Transportation Sector Network Management (TSNM) Mass Transit Division, and throughout the Department of Homeland Security (DHS). APTA asks the committee to provide appropriations for the FY 2011 Transit Security Grant Program (TSGP) in the amount of \$1.1 billion, the level authorized under the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53). We appreciate the funding that this committee has provided, but at the recent levels, grant allocations to regions, and ultimately the awards to the individual transit agencies have limited what projects can be pursued and implemented. We urge Congress to find the resources to appropriate the levels authorized in the 9/11 Act.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of nearly 1,500 public and private member organizations, including transit systems and commuter, intercity and high-speed rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical public transportation services and products. More than ninety percent of the people using public transportation in the United States and Canada are served by APTA member systems. In accordance with the National Infrastructure Protection Plan, APTA is recognized by DHS as serving in the capacity of the Mass Transit Sector Coordinating Council (SCC).

GREATER INVESTMENTS IN TRANSIT SECURITY ARE REQUIRED

As I will discuss later in my testimony, it is well established that transportation and public transportation specifically, continue to face significant security risks. One only needs to look to the recent attacks in Moscow and the ongoing investigation and prosecution of conspirators in New York to be reminded of this. Safety and security have always been the top priority of the public transportation industry. Since 9/11, transit systems have taken many steps to further improve security. Public transit agencies with state and local governments, have invested billions of dollars on security and emergency preparedness programs. While we recognize that as an open public infrastructure there are limitations on what specific steps can be taken to secure transit facilities and operations, I want to emphasize that there are still many steps that must be taken and many security improvements that can be made to improve the security of our systems and enhance the safety of our nation's transit riders.

In 2009, APTA conducted a new survey of U.S. transit agencies to update their security investment needs and their experience with the current program. The results of the survey demonstrate that security investment needs persist nationwide, with total needs for all transit agencies exceeding \$6.4 billion. Our previous survey in 2004 identified needs in excess of \$6 billion. Despite billions of dollars already invested from federal, state and local sources, it is important to understand that facilities have changed and expanded; our understanding of risk, consequence, response and recovery has changed; and technology and operational approaches are also different than they were in 2004.

Congress recognized the need to enhance the focus of DHS on surface transportation and public transportation security when it enacted the 9/11 Act. That legislation authorized \$3.4 billion for public transportation security improvements, and authorized additional funding for the security of rail carriers (freight, passenger and commuter rail) over a four-year period. And yet, over the period covered by the 9/11 Act authorizations, only \$1.25 billion of the \$3.4 billion authorized has been appropriated, and even less has ultimately been directed in grants to transit agencies. This is simply unacceptable. We must increase investments and meet our security needs now – before we are forced to ask the question “what could have been done?”

The legislation also set in place a number of the structural elements that APTA and the nation's transit systems continue to emphasize as priorities, including broad eligibility for capital and operational improvements, a rejection of a “one-size fits all” approach to transit security, a recognition of the open nature of transit facilities and services, interagency coordination between DHS and the Department of Transportation (DOT), consultation and coordination at all levels of government and with industry stakeholders, and support for information sharing and intelligence analysis, standard development and research and technology development.

TRANSIT SECURITY NEEDS ARE REAL AND REQUIRE ATTENTION

As we have stated before, and as the members of this Subcommittee well know, authoritative sources have acknowledged that the risk to public transportation systems is real, and it has not diminished:

- ❑ The Government Accountability Office (GAO) released a 2002 report stating “*about one-third of terrorist attacks worldwide target transportation systems, and transit systems are the mode most commonly attacked.*”
- ❑ In 2007, the GAO reported to Congress that “*the characteristics of some passenger rail systems—high ridership, expensive infrastructure, economic importance, and location (e.g., large metropolitan areas or tourist destinations)—make them attractive targets for terrorists because of the potential for mass casualties and economic damage and disruption.*”
- ❑ On February 29, 2008, the Office of Intelligence of the Transportation Security Administration (TSA) released a report concluding that public transportation in America remains vulnerable to terrorist attack. The report states: “*The volume of previous attacks and recent plotting against mass transit systems overseas demonstrates continued strong terrorist interest in targeting this sector.*” The report further states that: “*Previous rail attacks in Madrid, London, and Mumbai could inspire terrorists to conduct similar attacks in the United States.*”
- ❑ On September 30, 2009, the Honorable Michael E. Leiter, Director, National Counterterrorism Center (NCTC) testified in the Senate that “*al-Qa’ida continues to pursue plans for Homeland attacks and is likely focusing on prominent political, economic, and infrastructure targets designed to produce mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the population. The group also likely remains interested in targeting mass transit systems, and other public venues, viewed as relatively soft targets as evidenced by past al-Qa’ida attacks in London.*”
- ❑ The TSA Office of the Inspector General released a March 2010 report highlighting the need for greater attention by TSA in surface transportation emergency planning and response capabilities.
- ❑ The Federally funded and chartered, independent Mineta Transportation Institute (MTI) has collected data on worldwide terror incidents and found more than 2,000 separate attacks on surface transportation – 1,223 involving bombs and incendiaries – since 1970. These attacks caused 6,190 deaths and approximately 19,000 injuries.

The Department of Homeland Security has the responsibility to ensure the safety and security. All of the official government and independent analyses of risk and threat cite transportation modes as a potential target for terrorism. As a result, it is the mission of the TSA to protect “the Nation's transportation systems to ensure freedom of movement for people and commerce.” We couldn’t agree more vigorously with that mission statement! However, one only needs to look at the TSA website to realize that the agency continues to focus in a sizable and disproportionate manner on one mode of transportation above all others. There is no mention of surface transportation anywhere to be found at the forefront of the TSA website.

Let me be very clear – and we have been consistent in our views on this – no one questions the security requirements of our nation’s aviation system. But the scope and scale of the disproportionate attention and dedication of resources to one mode of travel over all others is hard to ignore. In 2009, Americans took more than 10.2 billion transit trips. People use public transportation vehicles more than 35 million times each weekday. This is eighteen times the number of daily boardings on the nation’s domestic airlines. Make no mistake; a successful

terrorist attack on a single high capacity urban rail system during peak travel time could result in a devastating number of fatalities and injuries. In addition, it would have a crippling affect on the economy of that entire metropolitan area, with a potential ripple effect nationwide. We do not want to scare anyone, but at the same time we cannot continue to avoid talking about the consequences, as the resources are not being dedicated where our needs truly exist.

OTHER PROGRAM REQUIREMENTS AND RESOURCE NEEDS

We further ask that you again include language that directs DHS to award funds directly to transit agencies and prohibits DHS from imposing a local match requirement, consistent with Congressional intent expressed in the conference report of the 9/11 Act. APTA has no objection to language included in last year's conference report which directed FEMA to allow transit agencies to permit States to act as sub-grantees. We believe that as long as transit agencies affirmatively choose to have their grants administered by their state administrative agencies, they should have that option.

We are pleased that many steps have been taken at the Federal Emergency Management Agency (FEMA) and TSA to improve the Transit Security Grant Program (TSGP) application and award process, and we appreciate the attention that this committee has placed on the difficulties inherent in this process. However, we urge your continued oversight and attention to opportunities to simplify and streamline the process. We are hopeful that the oversight efforts of Congress, which have led to recent proposed reforms in the TSGP grant process, will achieve the desired results and expedite the delivery of funds to transit agencies with security improvement needs.

In addition to grant funding, we urge Congress to provide \$600,000 to TSA Transportation Sector Network Management (TSNM) Mass Transit Division for the continued operations of the Public Transit Information Sharing Analysis Center (ISAC). Funding for this program was authorized in the 9/11 Act bill under Section 1410 (d), which provides for the sharing of security information between transit agencies and DHS. The ability to share vital information is crucial in preventing and mitigating potential terrorist attacks. We have been advised by TSA that resources for the Public Transit ISAC are part of the TSA budget for TSNM. Further, a joint industry/government working group formed under the auspices of the Mass Transit SCC/Government Coordinating Council (GCC) is currently refining a proposal for security information sharing that would look to the PT-ISAC to becoming a permanent, expanded system that would coordinate the dissemination of all relevant security information to the public transit industry.

We also urge Congress to provide \$500,000 to DHS for the development of transit security standards. Over the last several years, APTA has worked closely with the DOT, DHS and industry leaders to develop standards that help transit agencies use available resources as effectively as possible. It is our understanding that resources are factored into the TSA budget for this continuing effort, but we urge the committee to support the TSA in this regard. The ISAC and security standards are two important national programs that, although modest in funding needs, can significantly enhance transit security at the local level.

Finally, with regard to technology research and development, resource allocation issues within the Department of Homeland Security have failed to adequately address the research and development needs of transit. In September 2008, the Mass Transit SCC Security Technology Working Group issued draft recommendations which identified concerns over the lack of a formal structure that brings the federal government and transit industry together to discuss transit security technology priorities, needs and areas of potential interest for technology advancement and research. There is a general view that TSA Research and Development, and DHS Science and Technology do not conduct adequate early outreach with the industry to determine needs ahead of actual technology development and deployment efforts. Transit security professionals believe that early and active engagement of industry could lead to a better understanding of varying transit agency needs, as well as better research and development overall.

Finally, resources such as technical assistance and the like may be necessary for support of transit industry efforts in the area of cybersecurity. Concerns over cybersecurity have increased across the Federal government and throughout the country over recent years, and transit agencies are no different. As significant users of power and computerized control systems, cybersecurity will remain a significant concern for an industry responsible for the safe and secure movement of 35 million daily riders.

CONCLUSION

Mr. Chairman, the recent suicide bomb attacks in Moscow provided an unwanted but graphic reminder of the threats our industry continues to face. We cannot forget the attacks on Madrid's commuter trains, on London's subways, or the seven bombs on Mumbai's commuter trains. Those three incidents alone resulted in 452 deaths and 3,000 injuries. We should also not ignore those potential incidents that we have been fortunate to thwart. More details have emerged about the plans involved in the Al Qaeda-inspired New York subway bomb plot, and the reports surrounding this plot alone should emphasize the need for continued vigilance in surface transportation security.

I thank the subcommittee for this opportunity to testify and we look forward to working with you and the Congress to advance our mutual goals of safety and security for the traveling public.