

TESTIMONY OF

WILLIAM MILLAR, PRESIDENT

American Public Transportation Association

1666 K Street, N.W.

Washington, DC 20006

Tel: (202) 496-4800

Email: wmillar@apta.com

Point of contact:

Brian Tynan

Tel: (202) 496-4897

Email: btynan@apta.com

HOUSE APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY

April 14, 2011

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).

OVERVIEW

Mr. Chairman and members of the subcommittee, thank you for this opportunity to submit written testimony to the Subcommittee on the Fiscal Year (FY) 2012 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 urges Congress to increase appropriations for the FY 2012 Rail and Public Transportation Security Grants within the FEMA State and Local Grants. Past appropriations have not come close to the levels authorized under the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53). We appreciate the funding that Congress has provided to date, but at the recent levels, grant allocations to regions, and ultimately the awards to the individual transit agencies are inadequate.

Recent cuts to the public transportation security grant program continue a disappointing trend on support for surface transportation security programs. These grants are critical to transit agencies in meeting security improvement needs. Transit provides 18 times as many passenger trips as aviation, but aviation receives 12 times as much security funding as surface transportation security. Spending per passenger for transit security is 4 cents; for aviation it's \$8.67. Aviation security receives 215 times as much federal funding per passenger as transit. Threats to public transportation continue to exist as we were reminded again last week with the terrorist bombing of the subway in Minsk, Belarus. Public transportation security investment should be increased, not decreased and I urge Congress to find the resources to appropriate to levels consistent with those authorized in the 9/11 Commission Act.

GREATER INVESTMENTS IN TRANSIT SECURITY ARE REQUIRED

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.

I have testified on numerous occasions of the well-established and significant risks that transportation and public transportation specifically, continue to face. As detailed in APTA's testimony (<http://www.apta.com/gap/testimony/2010/Pages/testimony100421.aspx>) to the subcommittee in 2010, the Government Accountability Office (GAO) and the Mineta Transportation Institute have chronicled the history of attacks on public transportation, and the members of the subcommittee are certainly well aware of the history of attacks and the thwarted plots and continuing investigations that clearly make the case. However, Congress continues to look at the issue of transportation security in the rigid structure of agency budget silos. I urge the committee to evaluate the modal security needs independent of history or agency budget structure. While \$5.1 billion in budgetary resources are directed toward aviation security within the budget of the TSA, the priority budget for public transportation is within the FEMA State and Local programs account. The Transit Security Grant Program (TSGP) is the principal source of security assistance for transit agencies and these grant funds can do more to enhance security than additional funds directed to the federal agencies. At a level of \$250 million in FY2011, the commitment to surface transportation security does not register a fair comparison, even when including the TSA Surface Transportation account and excluding aviation security fees. Congress seems to have locked Rail and Public Transportation Security grants into a budgetary pattern that is not based in any true evaluation of risk or need.

As I have testified previously, a study released by APTA in 2010 showed U.S. transit security needs nationwide at \$6.4 billion. Despite billions of dollars already invested from federal, state and local sources, these needs persist as our understanding of risk, consequence, response and recovery has changed, and technology and operational approaches are also different today.

To date, less than half of the \$3.4 billion authorized by the 9/11 Act for public transportation security improvements has been appropriated. In 2010, Americans took more than 10.2 billion transit trips. People use public transportation vehicles more than 35 million times each weekday. As previously stated, this is eighteen times the number of daily boardings on the nation's domestic airlines. The consequences of a successful terrorist attack on a single high capacity urban rail system during peak travel time will result in a devastating number of fatalities and injuries. It will have a crippling affect on the economy of that entire metropolitan area, with a potential ripple effect nationwide. We cannot avoid talking about the consequences, as the resources are not being dedicated where our needs truly exist.

TRANSIT SECURITY GRANT PROGRAM STRUCTURE

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 reforms in the TSGP grant process, will achieve the desired results and expedite the delivery of funds to transit agencies with security improvement needs.

FY 2011 TSGP Grant Guidance – It is important that we emphasize here that there exist significant concerns among our nation’s transit providers concerning the direction of the draft FY 2011 TSGP Grant Guidance. APTA believes that a proposal to shift the grant program to an approach that targets a pre-designated list of specific critical infrastructures is ill advised, and would preclude important system-wide security improvements, while also undermining the regional collaboration that exists under the current grant program. APTA and its members have urged the TSA to reconsider this proposal.

CONCLUSION

Mr. Chairman, once again we find ourselves calling attention to another major terrorist attack against mass transit riders. The deadly bombing of the subway in Minsk, Belarus has left security experts confused given the lack of significant ethnic or religious divides, nor history of violent political upheaval. Yet, unknown terrorists chose to set off a bomb in a crowded metro station in Minsk last week killing 12 people and wounding more than 150. We urge the committee to never forget the several foiled plots against U.S. public transportation systems and the attacks on Madrid’s commuter trains, on London’s subways, or the seven bombs on Mumbai’s commuter trains. Those three international incidents alone resulted in 452 deaths and 3,000 injuries. We should not ignore those potential incidents that we have been fortunate to thwart here in the U.S. and we urge Congress to recognize the need for continued vigilance in surface transportation security, by appropriating funds consistent with the levels authorized under the 9/11 Commission Act.

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.