



THE UNITED STATES CONFERENCE OF MAYORS

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EXAMINING THE STATE OF TRANSIT SECURITY

Testimony of

Dannel P. Malloy

Mayor of Stamford, Connecticut

Trustee, The United States Conference of Mayors

Before the

Committee on Banking, Housing, and Urban Development

United States Senate

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Good morning Chairman Dodd, Ranking Member Shelby and Members of this Committee. I am Dannel Malloy, Mayor of the City of Stamford, Connecticut, and Trustee of The United States Conference of Mayors.

Thank you very much for inviting me to speak with you today on behalf of The United States Conference of Mayors regarding the state of transit security. The United States Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more.

There are 1,139 such cities in the country today, each represented in the Conference by its chief elected official, the Mayor.

On behalf of The United States Conference of Mayors, and the hundreds of mayors we represent, we appreciate your interest in public transportation security, and we look forward to working with you as you develop legislation to safeguard America's bus, rail, and ferry systems.

The written comments delivered this morning will focus on four key transit security areas identified by the mayors:

1. The establishment of a flexible federal transit security grant program.
2. Securing public transportation systems is a federal responsibility.
3. Transit security funds should go directly to the transit authority or that jurisdiction providing security.
4. Robust resources for transit-related security research and development of technology.

OVERVIEW

One month after September 11, the leadership of the Conference of Mayors called an emergency homeland security summit in Washington, D.C. Hundreds of mayors, police, fire, emergency management, and transportation officials came to that summit and drafted a sweeping “National Action Plan for Safety and Security in America’s Cities.” That National Action Plan was updated in October of 2005 with special emphasis on transit security following the attacks on London’s Underground Tube system, aboard London Transit Buses, and Madrid’s rail system.

In addition, my comments delivered this morning originate from the Conference’s “Strong Cities, Strong Families for a Strong America 10-Point Plan” which will be presented next week at The United States Conference of Mayors 75th Winter Meeting in Washington, D.C.

The United States Conference of Mayors and its members have dedicated themselves to making America’s cities safer by preventing possible acts of terrorism, and being ready to respond should terrorists strike.

Mayors have never waited for assistance from others to act. Mayors and cities continue to focus on protecting their citizens from possible terrorist attacks, including attacks on mass transit. At the same time, we must further strengthen our partnership with the federal government to make sure that our “first preventers” and “first responders” have the resources and training they need to succeed, and that all necessary federal support is ready in the event of a catastrophic event.

To this point, the nation’s mayors believe more must be done at the federal level of government to make sure that our cities are able to respond to the growing challenges of securing public transportation infrastructure. As the American Public Transportation Association’s (APTA) survey identified, Congress has allocated only \$386 million to transit security through Fiscal Year 2006, yet transit agencies have identified in excess of \$6 billion in transit security investment needs¹.

We urge Congress to act decisively on this issue.

For the City of Stamford, Connecticut, securing these wide open and vulnerable systems is a priority. As part of the New York metropolitan area, Stamford, a city of nearly 127,000, is one of the largest cities on the route between New York and Boston. It is a major transportation hub

¹ APTA’s transportation security survey identified needed enhancements costing at least \$5.2 billion in additional capital funding to maintain, modernize, and expand transit system security functions to meet increased security demands. Over \$800 million in increased costs for security personnel, training, technical support, and research and development have been identified, bringing total additional transit security funding needs to more than \$6 billion.

for other communities in the state of Connecticut and is located on one of the busiest stretches of public transportation in the nation².

PRIORITIES FOR ENHANCED PUBLIC TRANSPORTATION SECURITY

With more than 7.8 billion trips taken nationwide on public transit in the first nine months of 2006³, protecting riders from potential terrorist attacks remains a high priority for mayors, public safety officials, and first responders.

We believe that any public transportation security legislation should be guided by four principles.

First, the nation's mayors are calling for the establishment of a flexible federal transit security grant program to improve security in the areas of communications, surveillance, detection systems, personnel, training, and research.

Specifically, this grant program should fund security cameras on-board public transportation vehicles and in bus and rail stations, video surveillance and threat detection cameras, increased surveillance via closed circuit TV, and automated bus and rail locator systems. As far as

² Stamford is located on the main branch of the New Haven Line on the Metro-North Railroad, the commuter rail system for northern metropolitan New York City. Stamford Station is the last express station in the direction of New York City, and thus serves as a major transfer point for faster trains into New York City. Stamford Station is also the terminus of a Metro-North branch line that ends in New Canaan, about 15 miles away and is also a major Amtrak station served by the high-speed Acela trains that run from Washington, D.C. to Boston. Amtrak's Regional and Vermonter service has linked Stamford with daily trains to Virginia, Vermont and intermediate points. Bus service runs along major arterial roads as well as connecting the city with New York.

³APTA announced on January 7, 2007, that public transportation ridership has increased by nearly 3% in the first nine months of 2006, as Americans took 7.8 billion trips on public transit.

infrastructure expansion, modernization and rehabilitation, the grant program should fund permanent chemical, biological and explosive detection systems, fencing and barriers, lighting, alarms and access control for tunnels, bridges, interlockings, tracks, yards and facilities, redesign of infrastructure to eliminate hiding places, the life safety program in New York City and to rehabilitate existing Baltimore and Washington, D.C. tunnels.

Second, as we have done with aviation, securing public transit is a federal responsibility and should not require a local or state match.

Third, mass transit security funds should go directly to the transit authority or the jurisdiction providing security. We must continue to make improvements in the grant application process and delivery mechanism for federal homeland security resources to make sure that the funding quickly reaches the transit system's first responders.

Since the early days after September 11, 2001, the nation's mayors have expressed serious concern with the state-based system for coordinating preparedness and responses to acts of terrorism.

Many mayors have positive working relationships with state and federal partners, but there was a real concern from the beginning that a complex, federal distribution system which involved various approval levels for first responder resources and training would be slow and result in serious delays in funding reaching high-threat, high-risked populations and infrastructures, including mass transit.

Unfortunately, the many surveys our organization conducted proved this to be the case. Time and time again, our surveys showed that resources were not reaching our cities and the critical infrastructure quickly⁴.

Fourth, there should be a robust and dedicated funding source for transit-related security research and development technology. Recognizing the threat posed to mass transit systems by acts of terrorism, mayors urge increased research and development to counter these growing challenges, both by improvements to current capabilities and development of new technologies.

CONCLUSION

Chairman Dodd, Ranking Member Shelby and Members of this Committee, let me make some closing comments.

I know that our nation has made significant progress on increasing homeland security since September 11, and that our federal-local partnership is much stronger with more resources, better information sharing, and a greater level of general communication.

But I fervently hope that the tragic attacks in India, The United Kingdom, Spain, and Israel serve as a reminder that we must not settle for “good enough.” These and other attacks dramatically highlight the vulnerability of mass transit worldwide to terrorism and the need for an increased focus by the federal government on security for these systems.

⁴ The United States Conference of Mayors 231-City/50-State 2004 Third Report to the Nation on Tracking Federal Homeland Security Funds showed that of the cities responsible for providing transit security, one-fourth of the cities reported that their state was exercising its option to keep a portion of the transit security funds to complement state assets at transit sites.

We must re-commit ourselves to doing all that we can to make sure our city and county citizens can get on that bus, step into that train, go to work, cheer at that sporting event, and just go about their daily lives knowing that everything that can be done is being done to make them safe from terror.

I cannot over-emphasize the critical importance of public transportation to our local economies and the long-term vitality of our cities and the nation. That is why we must invest in transportation security.

We are all in this together.

On behalf of the nation's mayors, The United States Conference of Mayors stands ready to work with this new Congress in a bi-partisan way to safeguard one of our nation's most critical infrastructures, public transportation.

Thank you again for the opportunity to appear before you today.

I look forward to questions.

EXHIBIT A



The United States Conference of Mayors

Mayors' 10-Point Plan

Strong Cities...

Strong Families...

For a Strong America

January 12, 2007

**Douglas H. Palmer
Mayor of Trenton
President**

1. Energy and Environmental Block Grant *(Climate Change)*

Mayors from across the nation, working through The U.S. Conference of Mayors, are leading the nation in taking action on the critical issue of global warming. Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use and its impact on global warming.

When our federal government refused to take action on the issue of Climate Change, over 350 cities pledged their commitment to the U.S. Mayors Climate Protection Agreement to call attention to the global warming crisis and to begin development of local programs to reduce carbon emissions. This community-based, grass roots effort is key to a successful national strategy to reduce our energy dependence, decrease carbon emissions, and improve the environment.

The U.S. Conference of Mayors proposes creation of an Energy and Environmental Block Grant, modeled after the highly successful Community Development Block Grant, to provide funding directly to cities and urban counties for programs that 1) improve community energy efficiency; 2) develop and implement community strategies to reduce carbon emissions, including but not limited to achieving “carbon free” buildings by 2030; 3) develop and implement community and transportation energy conservation programs; 4) encourage the development of new technologies and systems to decrease our dependence on foreign oil; and 5) promotion and development of alternative/renewable energy sources. Funds could also be used to support local non-profit organizations to meet the objectives of the program. The Block Grant would be distributed under a formula based on population and other factors, modeled after CDBG, and include measurable objectives.

Initial funding for the Block Grant could come from (in part or in whole) from revenues derived from the proposed repeal of the 2004 tax cuts for the oil and gas industry and royalty payment from off-shore oil and gas leases.

Eligible activities under the Block Grant would include, but not be limited to, development of comprehensive energy, environment, and climate protection strategic plans, weatherization programs, energy efficiency audits, alternative fuel infrastructure, incentives for energy efficiency technologies, promotion of public transit, methane recovery programs, conversion of alternative fuel fleets, public education, brownfields redevelopment, land-use policies, etc.

2. Federal-Local Partnership on Crime Prevention

(Violent Crime Rising, Federal Resources Cut, Trust Fund Needed)

For a growing number of cities across the United States, violent crime is accelerating at an alarming pace. The FBI’s Uniform Crime Report for 2005 showed the largest single year percent increase in violent crime in 14 years. This trend continued in 2006 according to a Police Executive Research Forum survey of 55 law enforcement agencies, with many cities seeing double-digit increases in murder, assault and robbery rates.

Mayors and police chiefs have identified a number of contributing factors for this rise in crime including a growing culture of violence among youth, gangs, a proliferation of illegal guns, drug activity, the re-entry of ex-offenders, and social problems related to school truancy and a lack of jobs. Funding for major Department of Justice law enforcement programs has been slashed in recent years, with the COPS hiring program (once funded at almost \$1.5 billion) and

Local Law Enforcement Block Grant program (once funded at approximately \$523 million) both being eliminated.

To address these issues, the nation's mayors are calling for a new crime initiative to restore the federal-local partnership on hometown security. **As was done under the 1994 Crime Bill, mayors are calling for a federal trust fund to provide flexible resources for the deployment of law enforcement personnel, support local innovations, fight domestic violence, and fund technology that helps fight crime. Specifically, funding for COPS and the local block grant should be restored, and mayors fully support strong accountability standards tied to these grants. In addition, resources are needed to help promote crime prevention and provide positive alternatives for youth, and address the need to provide alternatives for the more than 600,000 ex-offenders who are coming back into cities each year.**

3. Community Development Block Grants

(Successful Results, Threatened, Double Resources)

For 32 years, the Community Development Block Grant program has served as a vital resource to help cities, counties, and states meet their unique community development, affordable housing, and economic development needs. Since its enactment in 1974, the program has been, and continues to be, a critical affordable housing and neighborhood revitalization tool for communities. While providing essential services to citizens nationwide, CDBG also improves local economies. According to HUD, in FY 2004 alone, CDBG provided funds for thousands of activities, assisting over 23 million persons and households. CDBG funds a broad spectrum of activities, including: expanding homeownership opportunities, elimination of slums and blight, improved infrastructure such as roads, water and sewer systems, libraries, fire stations, community centers, adult day care and after school care for children, homeless facilities, employment training, transportation services, crime awareness, business and job creation. In fact, according to HUD, more than 78,000 jobs were created by CDBG in FY 2004 alone.

But over the last several years, CDBG formula grants have been significantly reduced. The program was also targeted for elimination at HUD, and transferred to the Department of Commerce along with 17 other programs at a greatly reduced funding level. In FY 2006, the program was cut by 10 percent, and in FY2005, the cut was 5 percent, resulting in a 15 percent cut in two years. A survey released in March, 2006, by the Conference of Mayors and 20 other organizations found that the reduced formula allocations has had a substantial negative effect on entitlement communities and states.

The nation's mayors recommend that CDBG formula funding be doubled to \$8 billion. This additional funding would address the delayed projects and activities which have come about because of cuts to CDBG, and further build on the proven record of an effective affordable housing and revitalization program.

4. Affordable Housing Fund

Last October, the House passed H.R. 1461, the "Federal Housing Finance Reform Act of 2006," creating a strong, world-class regulator for the Government Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac. The legislation would also create a new affordable housing fund with the GSEs contributing initially 3.5 percent increasing to five percent of their after-tax earnings for projects in underserved areas.

The nation's mayors support an affordable housing fund to be administered by the GSEs, (not by HUD or state housing agencies) funded by at least 5 percent of their profits, with local government projects eligible to be assisted.

5. Public Housing

Operating Subsidies

On December 28, HUD sent a memo to public housing agencies informing them that they would have to operate with 76 cents for every dollar needed for their operations. This memo, announcing a 24 percent cut, did not take into account an already existing problem: HUD's budget request was \$300 million or more below what the public housing agencies actually needed. When the Continuing Resolution expires on February 15, the situation could actually get worse with Congress holding spending to the FY 2006 level. This would result in an even lower funding level for operating subsidies.

The nation's mayors support restoration of all public housing operating subsidies in FY 2007, including funding that was not part of the budget request but that is now needed because of utility costs previously not anticipated.

HOPE VI

HOPE VI for severely distressed public housing has been targeted for elimination over the past several years, but has survived through nominal congressional appropriations. **The nation's mayors support the restoration of HOPE VI to a funding level that returns the program to an effective national tool for public housing development.**

6. Infrastructure Tax Incentives and Bonds

(Transportation, Water, Wastewater, Brownfields, Energy, Telecommunications, Schools, Affordable Housing)

Congested highways, crowded schools, transit demand exceeding resources, aging water facilities and a crumbling energy infrastructure are urgent reminders of the infrastructure crisis that is jeopardizing America's prosperity. From transit to energy, this critical infrastructure has been neglected for far too long by the Federal government and it is now deteriorating at an alarming rate. And, according to the American Society of Civil Engineers' 2005 Report Card for America's Infrastructure, the nation's overall infrastructure received a D grade with the Report Card calling for \$1.6 trillion to alleviate our nation's infrastructure needs.

To address this growing infrastructure threat, **the nation's mayors are calling for tax incentives, bonds, and other measures to support local and state efforts, and stimulate private sector participation, to improve infrastructure including transportation, water, wastewater, brownfields, energy, telecommunications, schools and affordable housing options in America's cities.** These tax incentives and bonds would help create hundreds of thousands of family-wage jobs and revitalize our critical infrastructure across the country at the same time.

7. Competitive Workforce

In this time of global competition, America's economic health depends on the development of a skilled workforce with the knowledge and ability to adapt to an ever-changing economy. Baby boomers are retiring at increasing rates, and the next generation of workers does not have the required post-secondary degree attainment nor the necessary technical skills to replace them. More importantly, and more alarmingly, our emerging workforce is increasingly disconnected from educational pathways and the world of work. High school dropout rates in some cities are as high as 50 percent, and the youth unemployment rate is at its highest level in decades.

The U.S. Conference of Mayors believes that it is crucial to support a sustained commitment to local workforce development programs that produce measurable results to ensure our continued competitiveness in the 21st century global economy. As such, **the nation's mayors call for timely reauthorization of the Workforce Investment Act, and full funding of its programs to ensure a significant investment in lifelong learning for every American citizen. In addition, resources are needed to help train and provide employment opportunities for the more than 600,000 ex-offenders who are coming back into cities every year.**

8. Children and Youth

No Child Left Behind

Mayors know that better schools make better cities. As they work to more effectively align city policies and programs that affect children and families, mayors are taking on an increasingly stronger leadership role on issues related to public schools. As such, it is critical that **mayors be involved in every aspect of No Child Left Behind reauthorization, including discussions on full funding, teacher quality, performance standards, testing and evaluation, and methods of assessment and accountability.**

Children's Health Insurance

Mayors recognize that student achievement is inextricably linked to early childhood programs, health and nutrition, social service supports and parental involvement. As such, it is crucial that **funding for programs such as Head Start, Early Head Start, the State Children's Health Insurance Program (SCHIP) be increased to their full authorization levels.**

Summer Youth

And, to further address these issues, **the nation's mayors are calling for a new summer youth employment initiative** to provide funding directly to cities and urban counties for programs that 1) offer educational work experiences that provide linkage between job skills and classroom learning standards; 2) provide skills training and education strategies to young people as part of a local workforce development system that aligns with the labor market demands of local economies; and 3) establish opportunities for skills development and career exposure to young people.

After-School Youth

Mayors also call for an increased funding commitment directly allocated to cities for quality after-school programs. Most specifically, it is crucial to strengthen and fully-fund the 21st Century Learning Centers and other after-school programming.

9. Homeland Security

(9-11 Commission Recommendations Not Completed)

While significant progress has been made on homeland security since 9/11, more can and should be done to make sure that our nation's first responders are prepared to prevent, respond and recover from either attacks or natural disasters. We must continue the emphasis on key issues related to airport, port, rail, transit, and border security.

Interoperable Communications

First, a major concern is the limited funding to assist cities and their first responders to achieve full communications interoperability. The Office of Management and Budget estimated interoperability solutions would cost more than \$15 billion, but since 2003, the Department of Homeland Security has only awarded \$2.9 billion in funding for state and local interoperable communications efforts. **The nation's mayors are calling on a well-funded, stand-alone, Federal emergency communications grant program to carry out initiatives to improve interoperable communications, including flexible direct grants to cities and their first responders.**

Transit Security

Second, with more than 7.8 billion trips taken on public transit in the first nine months of 2006, securing this critical infrastructure and protecting riders from terrorist attacks must be a major priority. Congress has allocated only \$386 million to transit security through Fiscal Year 2006, yet according to the American Public Transportation Association, transit agencies have identified \$6 billion in security needs. **The nation's mayors are calling for a flexible Federal transit security initiative to improve security in the areas of communications, surveillance, detection systems, personnel and training. As we have done with aviation, securing public transit is a Federal responsibility and should not require a local or state match. Furthermore, security funds should go directly to the operator of that system or the jurisdiction providing the security.**

Funding Mechanism

Third, we must continue to make improvements in the grant application process and delivery mechanism for federal homeland security resources to make sure that the process is user friendly, the funding quickly reaches cities, and that funding is flexible to meet local needs.

10. Unfunded Mandates/Preemptions

The passage of the Unfunded Mandates Reform Act of 1995 was a positive step towards restricting the ability of Congress to impose new, costly unfunded mandates on state and local governments, or preempt their ability to fund critical local programs. However, the issue of unfunded federal mandates remains a major problem. For example, members of Congress

continue to propose legislation that would preempt local governments in areas such as internet access fee collection and wireless telecommunications services.

Therefore, **mayors call for new legislation to strengthen the federal-local partnership and further restrict the ability of Congress to impose unfunded federal mandates or preempt local authority.**

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Tom Cochran
Executive Director

EXHIBIT B

THE UNITED STATES CONFERENCE OF MAYORS *2005 National Action Plan on Safety and Security in America's Cities* (Working Paper of 10/24/05)

Overview

One month after the attacks of September 11, 2001, The United States Conference of Mayors brought together mayors, police chiefs, fire chiefs, and emergency services/health care leaders for a Summit in Washington, DC. That Summit resulted in the release of *A National Action Plan for Safety and Security in America's Cities* focused on transportation security, emergency preparedness and federal-local law enforcement - which has guided the Conference of Mayors' advocacy efforts for the last four years.

Upon assuming the Presidency of The U.S. Conference of Mayors in June of 2005, Long Beach Mayor Beverly O'Neill charged the Conference's relevant standing committees and task forces – including the Criminal and Social Justice Committee, the Transportation and Communications Committee, the Homeland Security Task Force, and the Mayors and Police Chiefs Task Force – to review the progress that has been made on the National Action Plan and make recommendation on needed refinements and new priorities.

This effort became more urgent following Hurricanes Katrina and Rita that devastated cities in Louisiana, Mississippi, Alabama and then Texas. As Mayor O'Neill and the Conference learned first-hand during a mission to the New Orleans/Baton Rouge/Gulf Coast area on September 15-16 to meet with New Orleans Mayor Ray Nagin and dozens of other impacted mayors, additional changes are needed in the federal-local partnership on disaster preparedness and response.

The discussion on these updated priorities began on September 23-24 during the Conference's Fall Leadership Meeting in Long Beach, and culminated in an emergency meeting in Washington, DC on October 23-24 of key mayors and local public safety personnel. Following are key recommendations and priorities that have emerged from these discussions in five areas:

- I. Fixing the FEMA Disaster Response System**
- II. Military Involvement in Disaster Response and Recovery**
- III. Communications Interoperability**
- IV. Enhanced Transportation Security**
- V. First Responder Funding – A Better Distribution System is Needed**

These recommendations will be carried to Congress and the Administration, and will be further discussed and refined during the 74th Winter Meeting of The U.S. Conference of Mayors to be held in Washington, DC on January 25-27, 2006.

I. FIXING THE FEMA DISASTER RESPONSE SYSTEM

Mayors and local police, fire and emergency medical services personnel are America's true first responders to any disaster, whether natural or man-made.

Mayoral concerns with the state control on homeland security and disaster preparedness and response relate to what mayors experienced during Hurricanes Katrina and Rita.

Mayors recognize the important role of FEMA, the states, and the National Guard in responding to disasters. But as the Conference of Mayors learned from its mission to the Gulf Coast area following Hurricane Katrina, the fact is that aid did not come in time.

For example, in the early days of response to Hurricane Katrina, mayors were told by DHS that all offers of assistance to the impacted area had to be made through their states, and that these offers would then be coordinated through the Emergency Management Assistance Compact, or EMAC, system.

For some cities this seemed to have worked. But others found this system very slow to respond, and were forced to self-deploy first responder and other resources to the area. Mayors do not like to watch television for days after a disaster and see areas that reporters can get to, but seemingly no federal resources, and then be told that they cannot send help.

Virtually every municipality has entered into "mutual aid" or "inter-local" agreements for first responder activities, debris removal, etc. However, as was seen with Hurricanes Katrina and Rita, such agreements were rendered useless as almost all municipalities in the respective target region required full deployment of their personnel and assets. What should be explored is the ability of municipalities to enter into such "mutual aid" agreements with other cities/metro areas with geographic dispersion to enable regions to provide "real time" assistance and aid to the target region.

In addition to the issue of disaster response, there are many questions that continue to be raised by cities regarding disaster recovery assistance, such as housing and reimbursement policies. We were pleased that Congress recently approved \$750 million in loans for hurricane hit cities, which was a major priority for our organization following our mission to the New Orleans/Baton Rouge/Gulf Coast area. However, we were outraged that Congress adopted language that would - for the first time - prohibit these loans from being forgivable by FEMA, even if local conditions necessitate.

Therefore:

- **Congress and the Administration should implement a more focused process to work directly with mayors and first responders to review and make changes to the national disaster preparedness and recovery process.**
- **Congress must reverse its decision to make loans to cities hard hit by Hurricanes Katrina and Rita, under the Disaster Assistance Loan Program, non-forgivable.**

- **Congress and the Administration should work with The U.S. Conference of Mayors to authorize a mechanism that would allow city-to-city mutual aid agreements to trigger reimbursement procedures and liability protection under the Stafford Act during an emergency.**
- **The federal government should utilize untapped resources through the development of specialized “go-teams” to respond to major events who could be the liaisons with local mayors, EMS, police and fire departments (at the executive level) to assist in the response of FEMA and other federal assets.**
- **The federal government should support funding for training on an all-hazards approach by allowing local jurisdictions the flexibility to quickly adapt and meet local needs, we will be better prepared to respond to natural disasters like Hurricanes Katrina and Rita, as well as terrorist attacks we hope won’t come.**
- **Congress and the Administration must work with mayors to better define federal reimbursement and other policies related to housing, transportation, and health and human services for evacuees from disasters – and how these policies are coordinated across federal agencies.**

II. MILITARY INVOLVEMENT IN DISASTER RESPONSE AND RECOVERY

The use of military armed forces to support civilian response is conditioned by certain legal restrictions that define their possible activities. The military is precluded, except under certain circumstances, from conducting law enforcement operations in civilian setting under the Posse Comitatus Act.

More recently, the Stafford Act has broadened the military’s role in civil support. Under the Stafford Act, the military may engage in:

- Debris removal and road clearance
- Search and rescue (EMS)
- Sheltering and feeding
- Public information
- Providing advice to local government on disaster and health/safety issues

Under the Stafford Act the military may not engage in:

- Traffic control
- Security at non-federal facilities
- Patrolling civilian neighborhoods except to provide humanitarian relief

Clearly, there are events of a certain nature that require immediate military intervention and/or pre-staging.

For example:

- The detonation of a nuclear device, such as a suitcase nuclear device, would be expected to render the local and state government incapable of mounting adequate disaster response.

- Widespread biological attack or disease outbreak would require national command and control measures be implemented.
- Mega catastrophes such as Katrina and Rita that could be reasonably anticipated to overwhelm local and state response capabilities.

The military can also offer expertise in many areas that support disaster relief:

- Ability to mobilize large numbers of self-sufficient personnel.
- Advanced logistical operations support.
- Experience with command and control methodologies just now being implemented at the local level via NIMS.
- Capability to provide mass feeding, water, shelters and other support to disaster victims.
- Easily move across political boundaries.
- Provide specialized equipment and trained personnel to address incidents involving chemical, biological, radiological, nuclear, and explosive (CBRNE) agents.
- Re-establish critical infrastructure including communications and mass care.

The current legal paradigm is that the military is viewed as the “resource of last resort” deployed to restore order. However, Hurricanes Katrina and Rita have given us reason to re-evaluate this paradigm. Because of the sheer magnitude of the hurricane events recently experienced, and because acts of terrorism may spring up during or in the wake of such natural disasters, it is advantageous to consider an increased role for the military in disaster response.

Immediately after a storm occurs is the time when the military is most needed, not to take over the duty or responsibility of a mayor or a governor or a county commissioner – not to impose by itself martial law or make police power decisions. Those decisions, of course, must still be the province of elected officials. But what the military has is the skills, the experience, the training, the duty, responsibility to help restore order after there has been a disaster, and to marshal the equipment, training and manpower to put things back together because they have to do that in a time of war.

Therefore:

- **The federal government should allow for greater military involvement in the immediate response to such overwhelming disasters, at the very least during the first days and weeks of response and when requested by local or state governments.**
- **Cities need a mechanism to request direct assistance in form of military assets during a major natural disaster or terrorist attack. It is too cumbersome for cities to have to go through the state apparatus.**
- **The federal government should identify a lead military agency to work directly with local governments on the deployment of federal resources needed immediately prior to and after a disaster.**

III. COMMUNICATIONS INTEROPERABILITY

Major incidents, whether the 9/11 attacks, the Oklahoma City bombing, Hurricanes Katrina and Rita, or tornados or floods, repeatedly show the criticality of first responder communications.

Interoperable Communications

A major concern related to communications interoperability is the limited access to spectrum for public safety. The limited availability of spectrum continues to force first responders to operate on several different and incompatible and congested voice channels. This continues to be identified by mayors and their first responders as an obstacle to achieving full interoperability - as identified in the Conference's 2004 Interoperable Communications Survey of 192 cities.

For example, in our survey:

- Of the cities with a major chemical plant, 97% reported that they did not have interoperable capability between the chemical plant, police, fire and emergency medical services.
- 60% of the cities reported that they did not have interoperable capability with state emergency operations centers.
- 75% of the cities said that limited funding was preventing achieving full interoperable capability.

It is essential to have access to this spectrum to enable deployment of advanced mobile technologies such as images and video to police, fire and other emergency responders. A major barrier to public safety interoperability is cost. The Office of Management and Budget (OMB) estimated interoperability solutions would cost more than \$15 billion.

According to the Conference's 2004 survey on interoperable communications :

- Cities under 100,000 reported an average of \$4.7 million in funding is needed to achieve full interoperability.
- Cities of 100,001 to 400,000 require approximately \$5.4 million to achieve full interoperability.
- Cities over 400,001 reported an average of \$30 million is needed to achieve full interoperability.

Therefore:

- **Congress must make expansion of the communications spectrum for public safety a Congressional priority by establishing a firm date for the transition of analog broadcast to digital as close to December 31, 2006 as possible.**
- **Congress should provide urgent funding to assist cities and their first responders achieve full interoperability.**
- **Congress and the Administration should require cellular, VOIP and other advance telecommunications to provide 911, reverse 911 (preemptive) and other emergency communications.**

- **Congress and the Administration should provide the funding and infrastructure support for emergency first responder redundant telecommunications systems.**
- **Congress and the Administration should work with the military to provide redundant telecommunications communications systems for first responders during emergencies.**

3-1-1 Communications

The U. S. Conference of Mayors recognized in December 2001 in “A National Action Plan for Safety and Security in America’s Cities” that in the event of a terrorist attack using weapons of mass destruction a city’s 9-1-1 system could be quickly overwhelmed and, therefore, 3-1-1 systems should be put in place to handle the large volumes of incoming calls from citizens.

The Department of Homeland Security’s Authorized Equipment List currently includes under the Terrorism Incident Prevention Equipment category items such as data collection and information gathering software, alert/notification systems and hardware/software that allow for information exchange and dissemination; and under the Interoperable Communications Equipment category includes public notification and warning systems and computer-aided dispatch systems; and under the Information Technology category includes tracking and accountability systems.

3-1-1 systems can facilitate post- incident recovery efforts by tracking damage assessment and providing a detailed accounting of clean-up efforts that is required for federal or state assistance. Unfortunately, DHS recently ruled in a letter to the Conference of Mayors that 3-1-1 systems are not eligible under first responder funding because, “they are not specifically devoted to non-emergency situations and are not related to the inherent homeland security mission of the Department of Homeland Security.” However, mayors strongly believe that dual use of homeland security equipment is essential for homeland security and fiscal responsibility.

Therefore:

- **Congress and the Administration must clarify that 3-1-1 systems are an allowable cost under its homeland security grant programs and to make explicit reference to 3-1-1 systems in the Authorized Equipment List.**

IV. ENHANCED TRANSPORTATION SECURITY

Public Transportation: Bus and Rail

With more than 9.6 billion trips logged on the nation’s public transportation systems in 2004, securing this critical infrastructure and protecting riders from potential terrorist attacks rank as a high priority.

Despite the fact that Americans use public transportation 32 million times each weekday, and with the growing number of terror attacks on bus and rail systems worldwide, such as the attacks

this summer in London killing more than 50, and last year in Madrid killing 191 and Moscow killing 41, since 9/11, bus and rail public transportation have received only \$400 million in Federal security grants. By contrast, in 2004, transit agencies identified \$6 billion in security needs, including \$5.2 billion in capital and \$800 million in operating.

Therefore:

- **Congress and the Administration should fund deployment of security and communications technologies including:**
 - **Voice and video interoperable communication systems;**
 - **Security cameras on-board public transportation vehicles and in bus and rail stations;**
 - **Video surveillance and threat detection cameras;**
 - **Increased surveillance via closed circuit TV; and**
 - **Automated bus and rail locator systems.**

- **Congress and the Administration should fund security infrastructure expansion, modernization and rehabilitation including:**
 - **Permanent chemical, biological and explosive detection systems;**
 - **Fencing and barriers , lighting, alarms and access control for tunnels, bridges, interlockings, track, yards and facilities;**
 - **Redesign of infrastructure to eliminate hiding places; and**
 - **The life safety program in New York City and to rehabilitate existing Baltimore and Washington, D.C. tunnels.**

- **Congress and the Administration should clarify that federal public transportation security funding can be used for extra personnel during heightened alert levels, payment for overtime costs, reassignment of law enforcement officers and increased training for security personnel.**

- **Congress and the Administration should provide flexible funding of at least \$6 billion, \$2 billion per year over a three year period, to safeguard the nation’s bus and rail critical infrastructure.**

Port Security

Not enough is being done about security at our nation’s ports. Ports remain exposed to large-scale acts of terrorism, including weapons of mass destruction or other dangerous materials. For example, according to the Government Accountability Office in a May 2005 report, only 17.5% of containers deemed “high risks” were being inspected.

A terrorist act involving chemical, biological, radiological or nuclear weapons at one of these seaports could result in extensive loss of lives, property, and business; affect the operations of harbors and the transportation infrastructure (bridges, railroads and highways) within the port limits; cause extensive environmental damage; and disrupt the free flow of trade.

Port security remains largely under-funded at the federal level. Since 2002, the Department of Homeland Security Port Security Grant Program has provided \$882 million for seaports. In contrast, the U.S. Coast Guard has estimated that ports would have to spend \$5.4 billion over ten years to meet Federal mandated port security enhancements. That's on top of the more than \$3 billion ports have to spend already annually on infrastructure improvements and operations, maintenance and personnel expenses just to keep pace with world trade.

Therefore:

- **Congress and the Administration should provide full and flexible funding for port security needs including:**
 - **Improvised Explosive Device (IED) Detection and Prevention Systems;**
 - **Video Surveillance and Threat Detection Cameras;**
 - **Fiber Optic Communications Connectivity;**
 - **Access control communications;**
 - **Command and control facilities; and**
 - **Personnel and detection dogs for screening and checking cargo and passengers.**

- **Congress and the Administration should provide a federal funding mechanism to sustain the significant annual operating costs for the reoccurring maintenance of the new security systems and security personnel salaries that have not yet been identified.**

- **Congress and the Administration should direct the Department of Homeland Security to issue Letters of Intent for multi-year funding to ports with plans to carry out long-term security improvements.**

Freight Rail

Each day hundreds of thousands of shipments of extremely hazardous materials such as chlorine, ammonia, phosphoric acid and molten sulfur travel through the hearts of our cities and near critical infrastructure. A major break of a single tanker of hazardous materials can result in mass casualties.

The U.S. Conference of Mayors supports advance notification for hazardous freight rail. Mayors recognize that there are sensitive issues that need to be addressed, such as concern that terrorists might also mistakenly gain access to such information, and the freight rail carriers are apprehensive about sharing their client's proprietary commercial information. We want to work with Congress and the Administration to address these issues so a system of advance notification can be implemented.

Therefore:

- **Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to conduct an assessment of freight railroad notification procedures for the transport of hazardous materials through local jurisdictions.**

- **Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to establish a coordinated system for notifying appropriate local first responders of the transportation of rail hazardous materials through local jurisdictions , including a rail carrier’s comprehensive list of all hazardous materials scheduled to be transported.**
- **Congress and the Administration should direct the U.S. Department of Homeland Security and the U.S. Department of Transportation to work with railroad operators to increase physical security measures surrounding shipments and storage of hazardous materials, with such increases to include the number of hazardous materials inspectors employed by the Federal Railroad Administration, lighting fencing, alarms and access control for tunnels, bridges, interlockings, tracks, yards and facilities.**

Airport Security

Mandated to screen all checked baggage using explosive detection systems at airports by December 31, 2003, the Transportation Security Administration (TSA) deployed two types of screening equipment: explosives detection systems (EDS), which use computer-aided tomography X-rays to recognize the characteristics of explosives, and explosives trace detection (ETD) systems, which use chemical analysis to detect traces of explosive material vapors or residues.

TSA has made substantial progress in installing EDS and ETD systems at the nation's more than 400 airports to provide the capability to screen all checked baggage using explosive detection systems, as mandated by Congress. However, in initially deploying EDS and ETD equipment, TSA placed standalone ETD and the minivan-sized EDS machines--mainly in airport lobbies--that were not integrated in line with airport baggage conveyor systems. TSA officials stated that the agency's ability to initially install in-line systems was limited because of the high costs.

Therefore:

- **Congress and the Administration should significantly increase funding and reimburse airports at the statutorily authorized Federal share for in-line baggage and cargo screening system and airport facility expansion to accommodate in-line systems to streamline airport and TSA operations, reduce screening costs, and enhance security.**
- **The United States Conference of Mayors reaffirms our policy calling for a fully federalized workforce at points of passenger, baggage and cargo inspections.**

V. FIRST RESPONDER FUNDING – A BETTER DISTRIBUTION SYSTEM IS NEEDED

Since the early days after September 11, 2001, there was serious concern that an over-reliance by the federal government on a multi-layered, state-based distribution system for first responder resources and training, which then often is further channeled through counties, would be slow and result in delays in funding reaching high-threat, high-risk population cities.

Unfortunately, the many surveys the Conference of Mayors conducted proved this to be the case. Time and time again, these surveys have showed that money was not reaching cities quickly, and when it did reach cities, it often came with federal restrictions and rules that made it very difficult to spend on what was needed most, such as limitations on the use of overtime.

By raising concern on this issue through the release of our studies, we were able to get support from President George W. Bush and former Department of Homeland Security (DHS) Secretary Tom Ridge to examine why money was “stuck” in many states. The special DHS task force created to work on this effort came up with a number of helpful recommendations, some of which, like a waiver from the Cash Management Act, have been implemented for new funding. Some additional flexibility for the use of overtime, especially for the larger cities, has also been provided. But the DHS task force was not allowed to even consider the issue of direct funding for cities.

Congress did create a new high-threat urban areas program, called UASI (Urban Area Security Initiative), which ensures that some of the bigger metro areas get funding, but this funding is still sent through the states. And, major changes to the current state-based system still have not been made.

Now, Congress is using the fact that because previous money they have appropriated is not being spent fast enough – as mayors predicted – it is now acceptable to cut funding. Over the last two years, funding has been cut by more than a billion dollars.

And, the Administration and Congress have been slashing funding for key law enforcement programs like COPS and the local law enforcement block grant since 9/11. Their stated argument was that cities would be getting funding from homeland security, so did not need it for law enforcement programs. But, homeland security funding cannot be used to put officers on the streets like COPS can, and the eyes and ears of officers on the streets can be the best defense against acts of terrorism.

Mayors strongly support regional cooperation, and have been working across city boundaries to enhance mutual aid agreements and develop new concepts such as regional logistics centers for the management and deployment of resources. However, mayors believe that a slow, complicated, and multi-layered distribution system for federal resources is not necessary, and in fact counterproductive, for fostering regional cooperation.

Therefore:

- **Congress should increase, not decrease, funding for key first responder grant programs.**
- **Authorizing legislation should ensure that the waiver of the Cash Management**

Act, approved by Congress for fiscal years 2005 and 2006, is made permanent, and made retroactive for fiscal years prior to 2005.

- **Congress and the Administration should support the establishment of regional logistics centers, not only those previously established under the Pre-Positioned Equipment Program within ODP, but also additional capabilities to be established under regional control, to help consolidate State and local assets, provide life-cycle management and maintenance of equipment, allow for easy identification and rapid deployment during an incident, and allow for the sharing of inventories across jurisdictions.**
- **Congress should work with the Conference of Mayors to make other refinements needed to the first responder program.**
- **Congress should restore funding for key law enforcement/homeland security programs like COPS and the Justice Assistance Grant program, and allow Department of Homeland Security first responder funding to be used for hiring and overtime for police, fire, and EMS personnel.**
- **Congress should amend the current state-based system for distribution of federal first responder assistance to provide a significant portion of the funding directly to cities and local areas.**

EXHIBIT C



ENHANCED TRANSPORTATION SECURITY: PUBLIC TRANSPORTATION

WHEREAS, the issue of public transportation security is a vital component of every community; and

WHEREAS, public transportation security in the U.S. must be maintained on the rails, highway and waterways; and

WHEREAS, mayors are owners and/or operators of many of the major public transportation facilities and systems in the nation and securing these systems and protecting users from potential terrorist activity is a high priority; and

WHEREAS, with more than 9.7 billion trips logged on the nation's public transportation systems in 2005, with public transportation growing at a faster rate than highway travel, securing this critical infrastructure and protecting riders from potential terrorist attacks rank as high priorities; and

WHEREAS, despite the fact that public transportation is growing faster than any other mode of transportation, and with growing number of terror attacks on bus and rail systems worldwide, such as the London attacks in 2005 killing more than 50, and in 2004 in Madrid killing 191 and in Moscow killing 41, since 9/11, bus and rail public transportation have received only \$545 million in federal security grants; and

WHEREAS, by contrast, in 2004, transit agencies identified \$6 billion in security needs, including \$5.2 billion in capital and \$800 million in operating; and

WHEREAS, transit authorities have significant and specific transit security needs:

- Based on the American Public Transportation Association's 2003 Infrastructure Database survey, over 2,000 rail stations do not have security cameras;
- According to our 2005 Transit Vehicle Database, 53,000 buses, over 5,000 commuter rail cars, and over 10,000 heavy rail cars do not have security cameras;
- Fewer than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to know the location of the bus when an emergency occurs;
- Nearly 75 percent of demand response vehicles lack these AVLs;
- Furthermore, no transit system has a permanent biological detection system; and
- Only two transit authorities have a permanent chemical detection system; and

WHEREAS, public transportation requires state-of-the-art technology (that is currently in the research and development stage) to detect and/or neutralize potential chemical, biological, radiological and/or nuclear attacks at our stations, on board our trains and buses, as well as throughout our nation's mass transit infrastructure; and

WHEREAS, such technologies must be able to interface with existing technologies and work effectively under the open system that mass transit operates under today; and

WHEREAS, further, research and development can also address the rising operating costs associated with added security personnel; and

WHEREAS, an investment in public transportation security programs, resources and infrastructure, provides a direct benefit in preparation and response to natural disasters,

NOW, THEREFORE, BE IT RESOLVED, that The United States Conference of Mayors urges the Administration and Congress to provide at least \$560 million in the FY07 Department of Homeland Security Appropriations bill for transit security grants to assist public transportation systems to continue to address the \$6 billion in security needs identified by transit agencies; and

BE IT FURTHER RESOLVED that The United States Conference of Mayors urges the Administration and Congress to support a robust and dedicated funding source for transit-related research and development technology; and

BE IT FURTHER RESOLVED that The United States Conference of Mayors urges the Administration and Congress to fund deployment of security and communications technologies including:

- Voice and video interoperable communication systems;
- Security cameras on board public transportation vehicles and in bus and rail stations;
- Video surveillance and threat detection cameras;
- Increased surveillance via closed circuit TV; and
- Automated bus and rail locator systems; and

BE IT FURTHER RESOLVED that The United States Conference of Mayors urges the Administration and Congress fund security infrastructure expansion, modernization and rehabilitation including:

- Permanent chemical, biological and explosive detection systems;
- Fencing and barriers, lighting, alarms and access control for tunnels, bridges, interlockings, track, yards and facilities;
- Redesign of infrastructure to eliminate hiding places; and
- The life safety program in New York City and to rehabilitate existing Baltimore and Washington, D.C. tunnels.