

TESTIMONY OF
WILLIAM W. MILLAR, PRESIDENT
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BEFORE THE
SENATE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

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SUBMITTED BY

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APTA is a nonprofit international association of over 1,500 public and private member organizations including transit systems 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. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Mr. Chairman, thank you for this opportunity to provide testimony to the Senate Committee on Banking, Housing and Urban Affairs on the security and safety of public transportation systems. We appreciate your interest in public transportation security, and we look forward to working with you.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of more than 1,500 public and private member organizations including transit systems 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 ninety percent of the people using public transportation in the United States and Canada are served by APTA member systems.

OVERVIEW

Mr. Chairman, public transportation is one of the nation's critical infrastructures. We cannot overemphasize the critical importance of the service we provide in communities throughout the country. Americans take more than 9.7 billion transit trips each year. People use public transportation vehicles over 33 million each weekday. This is more than sixteen times the number of daily boardings on the nation's domestic airlines.

In particular, we want to recognize and thank this committee for its leadership in advancing legislation that enhances the federal role in protecting transit users against terrorism. The Banking, Housing and Urban Affairs Committee has unanimously approved transit security bills in each of the last two Congresses, both of which also passed the Senate unanimously, and its leadership led the successful effort in the Senate to amend the port security bill last year to include a transit security authorization. We appreciate the committee's decision to make transit security a priority in the new Congress, and the work you have done with the Senate Committee on Homeland Security and Governmental Affairs and other committees with jurisdiction over homeland security.

Safety and security are the top priority of the public transportation industry. The Government Accountability Office (GAO) released a report several years ago which said "about one-third of terrorist attacks worldwide target transportation systems, and transit systems are the mode most commonly attacked." Transit systems took many steps to improve security prior to 9/11 and have significantly increased efforts since then. Since September 11, 2001, public transit agencies in the United States have spent over \$2.5 billion on security and emergency preparedness programs, and technology to support these programs, from their own budgets with only minimal federal funding. Last year's attacks in Mumbai and the previous attacks in London and Madrid further highlight the need to strengthen security on public transit systems in the U.S. and to do so without delay. We need to do what we can to prevent the kind of attacks that caused more than 400 deaths and nearly 3,000 injuries on rail systems in Mumbai, London and Madrid.

We urge Congress to act decisively. While transit systems are doing their part, we need the federal government to be a full partner in the fight against terrorism. Terrorist attacks against U.S. citizens are clearly a federal responsibility and the federal government needs to increase spending on transit security. In light of the documented needs, we urge Congress to increase federal support for transit security grants to assist transit systems in addressing the \$6 billion in identified transit security needs. Last year, we asked Congress to provide no less than \$545 million in the Homeland Security Appropriations bill. Funding at that level annually would allow for dramatic improvement in security for the nation's transit users over a 10-year period. Federal funding for additional security needs should

provide for both hard and soft costs as described below and be separate from investments in the federal transit capital program.

We also urge Congress to provide \$500,000 to the Department of Homeland Security (DHS) so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation with our federal partners to assist with the development of transit security standards. In addition, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit Information Sharing Analysis Center (ISAC).

With regard to improving the distribution of funds under the existing transit security programs, we recommend that the existing process for distributing DHS grants be modified so that funds are made directly to transit authorities, rather than through State Administrating Agencies (SAA). We believe direct funding to the transit agencies would be quicker and cheaper. The current process and grant approval procedures have created significant barriers and time delays in getting funds into the hands of transit agencies and thus productively used.

As transit security is part of the larger war on terrorism, federal funding for transit security grants should be provided with no state or local match requirement. The requirement of a local or state match would have detrimental consequences that would create a scenario of disparity that ensures stronger security only to regions with available local funding. A local match would require the approval of a local governing body. This approval would not be possible to obtain under the current DHS transit security structure, which does not allow transit providers to anticipate their funding levels or know what projects will be funded. Once the project to be funded is identified, the local governing body would need to approve funding in an open, public forum, where specific project information would be discussed. This would be problematic for security sensitive projects.

BACKGROUND

In 2004 APTA surveyed its U.S. transit system members to determine what actions they needed to take to improve security for their customers, employees and facilities. In response to the survey, transit agencies around the country have identified in excess of \$6 billion in transit security investment needs. State and local governments and transit agencies are doing what they can to improve security, but it is important that the federal government be a full partner in the effort to ensure the security of the nation's transit users.

In FY 2003, \$65 million in federal funds was allocated for transit systems by DHS for 20 transit systems. In FY 2004, \$50 million was allocated by DHS for 30 transit systems. In FY 2005, Congress specifically appropriated \$150 million for transit, passenger and freight rail security. Out of the \$150 million, transit received \$135 million. In FY 2006, Congress appropriated \$150 million. Out of the \$150 million, transit received \$136 million. In FY 2007, Congress appropriated \$175 million. Out of \$175 million, transit is slated to receive \$163 million. We are very appreciative of these efforts. However, in the face of significant needs, more needs to be done.

It is important to point out that there have been significant efforts in support of transit security authorization legislation in the Senate. As noted earlier, the Senate in 2004 and 2006 unanimously passed legislation that would have provided \$3.5 billion over three years for transit security. That legislation was reported out of this committee, and we very much appreciate the committee's support in that regard. We look forward to working with the committee on these and other issues important to the transit industry.

Transit authorities have significant and specific transit security needs. Based on APTA'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. Less than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to know the location of the bus if an emergency occurs. Nearly 75 percent of demand response vehicles lack these AVLs. Furthermore, no transit system has a permanent biological detection system. In addition, only two transit authorities have a permanent chemical detection system. A more robust partnership with the federal government could help to better address many of these specific needs.

We are disappointed that the Administration proposed only \$600 million for a Targeted Infrastructure Protection Program in last year's FY 2007 DHS budget proposal, which would fund infrastructure security grants for transit, seaports, railways and other facilities. We are also disappointed that the Administration failed to include a specific line item funding amount for transit security. We look forward to working with the Administration and Congress to increase transit security funding and better address unmet transit security needs throughout the country.

APTA is a Standards Development Organization (SDO) for the public transportation industry. We are now applying our growing expertise in standards development to transit industry safety and security, best practices, guidelines and standards. We have already begun to initiate our efforts for security standards development and we have engaged our federal partners from both the DHS and Department of Transportation in this process. We look forward to working with the Administration and Congress in support of this initiative. Unfortunately, DHS has not agreed to provide funding to APTA in this effort. We respectfully urge Congress to provide \$500,000 to the DHS so that it can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our federal partners to assist with the development of such standards and practices consistent with what we have already seen through the Federal Transit Administration (FTA). Our efforts in standards development for commuter rail, rail transit and bus transit operations have been significant and our status as a SDO is acknowledged by both the FTA and the Federal Railroad Administration (FRA). The FTA and the Transportation Research Board have supported our standards initiatives through the provision of grants.

We also would like to work with Congress and the Department of Homeland Security's Directorate of Science and Technology to take a leadership role in advancing research and technology development to enhance security and emergency preparedness for public transportation.

INFORMATION SHARING

Since the terrorist attacks of September 11, 2001, public transit systems across the country have worked very hard to strengthen their security plans and procedures. They have also been very active in training personnel and conducting drills to test their capacity to respond to emergencies. Also, to the extent possible within their respective budgets, transit systems have been incrementally hardening their facilities through the introduction of additional technologies such as surveillance equipment, access control and intrusion detection systems. While transit systems have been diligent, they have been unable to fully implement programs with the current levels of assistance from the federal government.

A vital component of ensuring public transit's ability to prepare and respond to critical events is the timely receipt of security intelligence in the form of threats, warnings, advisories and access to informational resources. Accordingly, in 2003, the American Public Transportation Association, supported by Presidential Decision Directive #63, established an ISAC for public transit systems throughout the United States. A funding grant in the amount of \$1.2 million was provided to APTA by

the Federal Transit Administration to establish a very successful Public Transit ISAC that operated 24 hours a day, 7 days a week, and gathered information from various sources, including DHS, and then passed information on to transit systems following a careful analysis of that information. However, given that the Federal Transit Administration was subsequently unable to access security funds, and given the decision of DHS to not fund ISAC operations, APTA then had to look for an alternate method of providing security intelligence through DHS's newly created Homeland Security Information Network (HSIN). APTA continues to work with DHS staff to create a useful HSIN application for the transit industry. It is clear, however, that while the HSIN may become an effective resource, it does not match the 24/7 two-way communication functions provided through the Public Transit ISAC. However, we believe that consistent, on-going and reliable funds from Congress should be provided for the Public Transit ISAC that has been proven an effective delivery mechanism for security intelligence. Therefore, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC.

In addition, APTA's membership includes many major international public transportation systems, including the London Underground, Madrid Metro, and the Moscow Metro. APTA also has a strong partnership with the European-based transportation association, the International Union of Public Transport. Through these relationships, APTA has participated in a number of special forums in Europe and Asia to give U.S. transit agencies the benefit of their experiences and to help address transit security both here and abroad.

COST OF HEIGHTENED SECURITY

Following the attacks on London in 2005, APTA was asked to assist the Transportation Security Administration (TSA) in conducting a teleconference between the TSA and transit officials to discuss transit impacts pertaining to both increasing and decreasing the DHS threat levels. There is no question that increased threat levels have a dramatic impact on budget expenditures of transit systems and extended periods pose significant impacts on personnel costs. These costs totaled \$900,000 **per day** for U.S. public transit systems or an estimated \$33.3 million from July 7 to August 12, 2005 during the heightened state of "orange" for public transportation. This amount does not include costs associated with additional efforts by New York, New Jersey and other systems to conduct random searches.

Many transit systems are also implementing other major programs to upgrade security. For example, New York's Metropolitan Transportation Authority (NY-MTA) is taking broad and sweeping steps to help ensure the safety and security of its transportation systems in what are among the most extensive security measures taken by a public transportation system to date. NY-MTA will add 1,000 surveillance cameras and 3,000 motion sensors to its network of subways and commuter rail facilities as part of a \$212 million security upgrade announced late in 2005 with the Lockheed Martin Corporation. In fact, NY-MTA plans to spend over \$1.1 billion through 2009 on transit security.

SECURITY INVESTMENT NEEDS

Mr. Chairman, since the awful events of 9/11, the transit industry has invested more than \$2.5 billion of its own funds for enhanced security measures, building on the industry's already considerable efforts. At the same time, our industry undertook a comprehensive review to determine how we could build upon our existing industry security practices. This included a range of activities, which include research, best practices, education, information sharing in the industry, and surveys. As a result of these efforts we have a better understanding of how to create a more secure environment for our riders and the most critical security investment needs.

Our survey of public transportation security identified enhancements of 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.

Responding transit agencies were asked to prioritize the uses for which they required additional federal investment for security improvements. Priority examples of operational improvements include:

- Funding current and additional transit agency and local law enforcement personnel
- Funding for over-time costs and extra security personnel during heightened alert levels
- Training for security personnel
- Joint transit/law enforcement training
- Security planning activities
- Security training for other transit personnel

Priority examples of security capital investment improvements include:

- Radio communications systems
- Security cameras on-board transit vehicles and in transit stations
- Controlling access to transit facilities and secure areas
- Automated vehicle locator systems
- Security fencing around facilities

Transit agencies with large rail operations also reported a priority need for federal capital funding for intrusion detection devices.

Mr. Chairman, the Department of Homeland Security issued directives for the transit industry in May 2004 which would require that transit authorities beef up security and to take a series of precautions to set the stage for more extensive measures without any federal funding assistance. Transit systems have already carried out many of the measures that Transportation Security Administration (TSA) is calling for, such as drafting security plans, removing trash bins and setting up procedures to deal with suspicious packages. The cost of these measures and further diligence taken during times of heightened alert is of particular concern to us. We look forward to working with you in addressing these issues.

ONGOING TRANSIT SECURITY PROGRAMS

Mr. Chairman, while transit agencies have moved to a heightened level of security alertness, the leadership of APTA has been actively working with its strategic partners to develop a practical plan to address our industry's security and emergency preparedness needs. In light of our new realities for security, the APTA Executive Committee has established a Security Affairs Steering Committee. This committee addresses our security strategic issues and directions for our initiatives. This committee will also serve as the mass transit sector coordination council that will interface with DHS and other federal agencies forming the government coordinating council.

In partnerships with the Transportation Research Board, APTA supported two Transportation Cooperative Research Program (TCRP) Panels that identified and initiated specific projects developed to address *Preparedness/Detection/Response to Incidents* and *Prevention and Mitigation*.

In addition to the TCRP funded efforts, APTA has been instrumental in the development of numerous security and emergency preparedness tools and resources. Many of these resources were developed in close partnership with the FTA and we are presently focused on continuing that same level of partnership with various entities within DHS. Also, APTA has reached out to other organizations and

international transportation associations to formally engage in sharing information on our respective security programs and to continue efforts that raise the bar for safety and security effectiveness.

APTA has long-established safety audit programs for commuter rail, bus, and rail transit operations. Within the scope of these programs are specific elements pertaining to *Emergency Response Planning and Training* as well as *Security Planning*. In keeping with our industry's increased emphasis on these areas, the APTA Safety Management Audit Programs have been modified to place added attention to these critical elements.

CONCLUSION

Mr. Chairman, in light of our nation's heightened security needs post 9/11, we believe that increased federal investment in public transportation security by Congress and DHS is critical. The public transportation industry has made great strides in transit security improvements since 9/11 but much more needs to be done. We need the federal government increase its support for transit security grants that will help transit systems continue to address the \$6 billion in identified transit security investment needs. We also respectfully urge Congress to provide \$500,000 to the Department of Homeland Security so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our federal partners to assist with the development of transit security standards and practices consistent with what we have already seen through the FTA. In addition, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC.

We have also found that investment in public transit security programs, resources and infrastructures provides a direct benefit in preparation and response to natural disasters as well. Again, we appreciate the committee's strong support for transit security in recent years. We look forward to building on our cooperative working relationship with the Department of Homeland Security and Congress to begin to address these needs. We again thank you and the Committee for allowing us to provide testimony on these critical issues and look forward to working with you on safety and security issues.