

**The Honorable W. Ross Ashley, III**

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U. S. Department of Homeland Security**

**Before**

**the**

**Subcommittee on Homeland Security**

**Committee on Appropriations**

**U. S. House of Representatives**

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**Washington, D.C.**

Chairman Price, Ranking Member Rogers and Members of the Committee, my name is Ross Ashley and I serve as Assistant Administrator of the Grant Programs Directorate within the Department of Homeland Security's Federal Emergency Management Agency. I am pleased to appear before you today to discuss our efforts to secure our Nation's transit systems.

FEMA is the Department's lead agency for preparing the Nation against terrorism, natural and other hazards by assisting States, local and tribal jurisdictions, and regional authorities to prepare, prevent, respond to, and recover from natural disasters, terrorist acts and other catastrophic incidents. As part of this mission, FEMA provides support to our Nation's emergency prevention and preparedness community through a number of different grant programs, training and exercise support, and technical assistance. Specifically, FEMA's Grant Programs Directorate, in partnership with the Department of Homeland Security's Transportation Security Administration (TSA) administers a number of programs designed to enhance the security of surface transportation systems throughout the country.

**Transit Security Grant Program**

Since the creation of DHS in February 2003, and subsequent authorization under the Implementing Recommendations of the 911 Commission Act of 2007, the Department of Homeland Security has awarded more than \$892 million specifically for the Transit

Security Grant Program since FY 2005 of which over \$789 million has been directed to the nation's transit systems in the eight Tier I urban areas.

In Fiscal Year (FY) 2003, under the Urban Areas Security Initiative (UASI), funding allocation decisions for transit systems were based solely on ridership, which at the time was the only reliable risk variable available. In FY 2004, the Department provided additional funds to 25 major transit systems through the UASI Program for additional security enhancements. For these funds, the Department added the additional criteria of track mileage to make final funding allocations.

Under the FY 2005 program, the Department for the first time distributed transit security funds using multiple risk factors. The formula for rail transit funding was based on: ridership, track mileage, the number of stations and credible threat data. Each subsequent year, the Department has applied a more mature and consistent threat and risk analysis in determining allocations for these later year funds. In its most simple terms, the weighted analysis combines a 20% threat component and an 80% vulnerability and consequence component. The latter component includes track mileage, underwater structures and ridership figures provided to us by the American Public Transportation Association. It also considers the presence of critical infrastructure.

Throughout the program development and application process, FEMA works and coordinates closely with numerous governmental and non-governmental entities to ensure an appropriate level of subject matter expertise and to solicit feedback from our Federal,

State, local, and industry partners. We work collaboratively with a number of DHS components, including officials from the Transportation Security Administration, the Office of Infrastructure Protection, the United States Coast Guard, and the Science and Technology Directorate, as well as the Department of Transportation's Federal Transit Administration and Federal Railroad Administration. We have also worked closely with State and local transportation officials from across the country, and with industry groups, including the Association of American Railroads and the American Public Transportation Association.

Since FY 2005, a major focus of the Transit Security Grant Program has been to establish and sustain a risk-based regional planning process to ensure that transit security priorities are considered in a systematic, risk-based manner. Regional Transit Security Working Groups are strongly encouraged to develop a Regional Transit Security Strategy. As the owners or operators of infrastructure vital to the well-being of the States and urban areas they serve, it is imperative transit systems are incorporated into regional preparedness planning efforts and have regional strategies. The Strategies are intended to integrate individual agency needs into a regional perspective in order to identify transportation security vulnerabilities and focus Federal, State and local funding. In addition, transit systems selected for funding under the FY 2005 TSGP were required to conduct a risk assessment and use this data to create Security and Emergency Preparedness Plans (SEPP) specifically to identify how the transit system intends to address shortfalls in the risk assessment. The Department continues to recommend and encourage transit entities

to revise, update and implement a Regional Transit Security Strategy as part of the FY 2009 Transit Security Grant Program.

A regional approach is critical to overall preparedness. That is why the Department strongly encourages all Working Groups to include representation from the applicable State(s) and urban area(s) served by the transit systems receiving funds, and strongly recommends that other transit agencies whose systems intersect with those of the grant recipients also participate in the Working Group process. In addition, for those transit operations that intersect with those of Amtrak in the Northeast Corridor and in Chicago, a representative of the National Railroad Passenger Corporation (Amtrak) should be included in the Working Group. Close coordination with Amtrak on the expenditure of funds for security enhancements at shared facilities is also encouraged.

The Regional Transit Security Strategy should serve as the integration point between the individual, risk-based Security and Emergency Preparedness Plan, and the overall security goals and objectives of a region. Therefore, the Strategy should demonstrate a clear linkage to the applicable State and Urban Area homeland security strategies developed. Security and Emergency Preparedness Plans and the Strategy provide a roadmap that serves as the basis on which funding is allocated to address regional transit security priorities, and the vehicle through which transit agencies justify and access other funding and resources available on a region-wide basis through other DHS-supported grant programs.

The FY 2009 Transit Security Grant Program builds on the progress made in the past to institutionalize a risk-based, regional approach to the allocation of transit security funding. Congress appropriated \$400 million for this program in FY 2009. In addition to the enhancements made since the program's inception, the FY 2009 program further refines the risk formula for the allocation of Transit Security Grant Program funds; encourage integration of the Working Groups and each region's Strategy with the existing Urban Area Working Groups and Strategies.

Since 2003, the Department's Transit programs were structured to help state and local responders maximize this federal funding.

### **Real World Impacts**

On the afternoon of November 23, 2008, FEMA was informed by TSA that a potential threat was identified against New York City's subway system. New York requested financial assistance for a rapid build up of its police presence in the subway system, including deployment of specialized teams. On that Wednesday afternoon before the Thanksgiving Holiday, FEMA was, in under two hours, able to arrange for the immediate release of over \$23 million in previously awarded FY 2008 TSGP funds from the Treasury to New York in support of its operational needs.

Transit agencies in the greater Philadelphia area used FY 2007 TSGP funds to undertake a regional project creating a transit-specific intelligence analysis center. This center

allows officials from Philadelphia and New Jersey to share information and analyze potential threats, allowing officials to take appropriate mitigation and prevention action.

In FY 2006, Portland, Oregon's Tri-Met System created and began to administer an extensive, front line employee training program. Through this effort, Portland's transit employees are trained on a recurring basis. Training includes security awareness, IED awareness and principles of behavioral assessment screening.

I'd like to take a few minutes to walk you through the grant process, and how we develop and implement the TSGP.

### **Transit Security Grant Program Applications**

Transit agencies eligible for FY 2009 TSGP funding are identified using a comprehensive, empirically-grounded risk analysis model. The risk methodology for the TSGP is linked to the risk methodology used to determine eligibility for the core DHS State and local grant programs. TSGP basic eligibility is derived from the UASI eligibility list and the Department of Transportation's list of the top 100 transit agencies, determined by ridership. Grantees are assigned to two, separate risk tiers, for which funding is allocated.

In the past, the Department has made TSGP awards to Governor-designated State Administrative Agencies who in turn award sub-granted funds to DHS-designated transit agencies. Pursuant to the Consolidated Security, Disaster Assistance and Continuing

Appropriations Act of 2009, FEMA will make direct awards to eligible transit entities for the first time in FY 2009.

Previous Executive branch policies required the use of a specific, web-based application process, government wide. This system, known as Grants.gov, presents challenges, particularly for first-time users, as it requires a multi-step application that can take several days. Specifically, first time applicants are required to apply for a Grants.gov password that is returned to the applicant upon determination of the applicant's eligibility for a particular grant. This often requires a waiting period as long as several days. Eligible entities attempting to submit applications near or at the application submission deadline have been locked out of this system. FEMA has addressed this issue through stakeholder outreach, education, technical assistance and, when necessary, allowing applicants to access FEMA's own Grants Management System for the purpose of application submission. We have also identified computer server capacity issues at the Grants.gov website that are being addressed. No eligible Transit Security Grant Program entity will be denied grant funding because of technical difficulties related to the grant application process.



## **Transit Security Grant Program Project Review and Approval**

Project proposals under the TSGP are subject to a number of review processes. These processes include substantive, programmatic review to determine the eligibility of proposed expenditures and consistency with Department program priorities as outlined in the TSGP Application Kit and Program Guidance. Depending on the nature of a TSGP proposal, it may be subject to Environmental and Historic Preservation review as prescribed by law. This involves determining whether and to what extent a project proposal may adversely impact the environment or a structure or area that is protected under preservation laws and regulations imposed by State, local or the federal government.

As noted above, TSGP eligible entities are grouped into two, separate tiers. The review requirements for each Tier group are different in one respect requiring additional time for Tier 1 programmatic approval. Specifically, applications submitted by transit entities in the high risk Tier I are subject to project review and approval by the Transportation Security Administration. Approval is based upon TSA policies that place high emphasis on projects that address high risk scenarios and hazards. This ensures that the highest risk entities address the most critical, risk-based needs in their proposals. Lower risk, Tier II applications are subject to a competitive review undertaken by a multi-agency review panel. Proposals are reviewed and funded either in whole or in part, based upon consistency with the requirements and priorities contained within the TSGP Application Kit and Program Guidance. Tier II applications recommended for approval by the Review Panel are subject to further approval by an Executive Review Panel at FEMA and

TSA and final review by the Secretary. As there is not an opportunity for Tier II applicants to negotiate their proposals once submitted, the process through which Tier II grantees are allowed access to grant funds is typically faster than high risk Tier I grantees, whose awards are made through cooperative agreements negotiated with TSA.

FEMA and our TSA partners are addressing these issues through a simplified application process reducing information required in Investment Justifications, outreach to eligible entities to help provide process transparency and After Action Conferences to provide all stakeholders with a formalized forum in which to provide constructive feedback.

Environmental and Historic Preservation project review, when applicable, is an important step, designed to protect our national resources. FEMA is addressing delays this review may cause by conducting outreach to stakeholders explaining EHP requirements, allowing TSGP applicants to anticipate and address EHP-related issues pre-award. We have also strengthened our own internal protocols to track project review and status, and we are adding additional staff and are training existing staff to expedite the EHP review process. A recent change allows FEMA's Grant Programs Directorate program analysts to approve, on their own authority, categorical exclusions as allowed under the National Environmental Policy Act (NEPA), for such program activities as planning, organizational costs, training, exercises and equipment not requiring fixed installation. This single step has markedly increased our ability to make funds available to grantees for purposes that are not subject to NEPA requirements. Finally, GPD is also working with FEMA's Office of Environmental and Historic Preservation to develop a

programmatic, environmental assessment (PEA) tailored to our specific grant programs and grant funded projects to further simplify the NEPA review process. Finally, we have streamlined financial budget review by empowering grants management specialists to communicate directly with grantees to resolve any questions or concerns that may arise from the review. This simple step has contributed to increased efficiency in the release of funds to grantees.

While it is also true that state and local requirements, including both procurement regulations and local political leadership approval of TSGP grantee priorities, may contribute to a delay in the execution of program implementation, FEMA has and will continue to reach out to and work with stakeholders to assist them in identifying appropriate, local expertise as early as possible in the process. We will also continue our work in ensuring process transparency and facilitating the most rapid and effective program implementation possible. We look forward to future collaboration with our State, local and federal partners in making the Department's Transit Security Grant Program among the most efficient and effective programs aimed at increasing the public safety.

Mr. Chairman and Members of the Committee, this concludes my testimony. Thank you for your continued support for FEMA's Grant Programs Directorate and the Department of Homeland Security. I am happy to answer any questions the Committee may have.