

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION**

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**Before the**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

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Good morning, Mr. Chairman, Co-Chairman Inouye, and Members of the Committee. I am pleased to have this opportunity to testify on the subject of domestic passenger and freight rail security.

At the outset, I acknowledge and appreciate the work of the Government Accountability Office (GAO) in its recent report on passenger rail security. The strategic approach, programs, and initiatives I will discuss today move us well along in addressing the GAO's recommendations.

As you know, the September 11 attacks focused Congress, the Administration, and the public on improving the security of our aviation system. It was an honor to be a part of the team that helped create the Transportation Security Administration (TSA) at the Department of Transportation (DOT), and it is an honor today to have the opportunity to lead the agency at the Department of Homeland Security, as we refocus and realign TSA to reflect the changing reality of terrorist threats to the transportation sector. Of necessity, much of our early work at TSA focused on the very real and present threats and vulnerabilities in aviation. We were fortunate to have partners at DOT and in industries and communities around the Nation who immediately stepped forward at that time to initiate security improvements in the transit and rail sectors. Today, we continue to work with these partners and build upon their record of success to address the changing transportation threat environment.

**Overview of Surface Transportation**

America's passenger and freight transportation system is a dynamic, interconnected network. It consists of overlapping sub-networks and multiple organizations, with a variety of governance structures and a mix of public and private ownership. In terms of security, decentralized systems such as this are more difficult to "control," but they also have advantages. They present more operational uncertainty to those who seek to do them harm, and they are more robust in the face of catastrophic failure of any single component of their networks.

**Public Transportation.** America's public transportation system is actually composed of over 6,000 separate local transit systems. These local systems range from very small bus-only systems in rural communities, to very large multi-modal systems in urban areas that may combine bus, light rail, subway, commuter rail and ferry operations. Transit systems are not only locally operated, but they are also protected largely by State and local law enforcement.

Americans took 9.4 billion trips using public transportation in 2003. The 30 largest transit systems in the U.S. carry most (almost 80 percent) of the Nation's transit passenger trips. There is now some form of rail transit (light rail, subway, or commuter rail) operated by 53 different transit agencies located in 33 cities and 23 States. These rail systems provide a combined 11.3 million passenger trips each weekday, compared to 1.8 million domestic emplanements per day nationwide.

Approximately 28 percent of all transit trips and 77 percent of all rail transit trips are on heavy rail. There are 14 heavy rail transit systems (also known as subways) in the U.S., consisting of more than 2,000 route miles, with over 1,000 stations and approximately 10,500 subway cars. The New York City subway system is the largest in the U.S., carrying about 75 percent of the nation's heavy rail passengers, with half of the stations and more than 6,000 scheduled trains per day carrying over 3 million riders. In New York's Penn Station alone, more than 1,600 people *per minute* pass through dozens of access points during a typical rush hour.

**Intercity Bus Transportation.** Though not owned by public entities, intercity bus service is an important component of America's transportation network. Intercity bus service is provided by over 4,000 private operators across the country, 90 percent of which operate 25 or fewer buses. Greyhound is the largest intercity bus operator, with a fleet of more than 2,400 buses. Public transit buses annually carry about 8 times the number of riders as intercity buses; heavy rail (subway) operators carry over 3 times as many riders as intercity buses.

**Intercity Passenger Rail.** Intercity passenger rail service is provided by two entities: Amtrak and the Alaska Railroad Corporation (ARRC), which is a public corporation of the State of Alaska. The ARRC provides freight and passenger service from Whittier, Seward and Anchorage to Fairbanks, Denali National Park and military installations.

Amtrak carries approximately 25 million passengers per year or an estimated 68,000 passengers per day, operating as many as 300 trains per day and serving over 500 stations in 46 States. In many large cities, Amtrak stations are co-located with stations serving rail transit, intercity bus, and other modes of transportation. Amtrak operates over more than 22,000 route miles. It owns 650 route miles, primarily between Boston and Washington, DC, and in Michigan. In other parts of the country, Amtrak trains use tracks owned by freight railroads.

**Freight Rail.** U.S. freight railroads operate over a network spanning more than 140,000 route miles. This system is vital to the economy, linking businesses and ensuring

products reach consumers in an efficient, safe, and cost-effective manner. Still, recent events, such as the accidental derailment in Graniteville, SC, that resulted in the release of chlorine gas, have highlighted the need to focus additional attention on the potential security risks associated with freight rail. Over 64 percent of toxic inhalation hazard chemicals are currently transported by rail. In 2003, over 60,000 tank cars of chlorine or anhydrous ammonia chemicals were shipped, each carrying an average of 90 tons of chlorine or 30,000 gallons of anhydrous ammonia.

### **London Lessons Learned**

Al-Qaida and its affiliated extremist groups and sympathizers demonstrated their ability to strike mass transit targets with suicide bombings on buses in Israel, Turkey and China, and bombings of subways, rail systems, and ferries in India, Pakistan, Thailand, Chechnya, Russia and the Philippines. The Madrid train attacks in 2004 and the London subway and bus attacks on July 7 and 21 of this year have further reminded us that our trains, subways and buses may be terrorist targets.

Heavy rail transit systems in the U.S., like the London Underground, are particularly high consequence targets in terms of potential loss of life and economic disruption. These systems carry large numbers of people in a confined environment, offer the potential of targeting specific populations at particular destination stations, and often have stations located below or adjacent to high profile government buildings, major office complexes, or public icons. Threats to particular economic sectors, like government or financial institutions, may also be carried out through attacks on public transit.

The London attacks were particularly noteworthy from a security perspective.

- In a relatively short period of time, unknown and apparently unaffiliated individuals/groups were able to plan and execute the attacks with little or no surveillance or rehearsal activity.
- The perpetrators came through fare-gates directly onto the train; they did not access storage yards, tunnels or bridges. As a result, London's extensive intrusion detection devices and security cameras did not prevent the attacks. Recording capability was helpful, but only after-the-fact in helping to identify suspects.
- The improvised explosive devices used by the attackers were assembled with materials readily available in local shops. The devices fit easily into backpacks of the type and design commonly carried by students, commuters, and tourists.
- Even with markedly increased public awareness, countermeasures, and law enforcement presence after the first London bombings, the same methods were able to be used in the second attack without suspicion or detection.

Immediately following the first London attacks, transit agencies and local officials took action. Responding to a joint inquiry by TSA and DOT's Federal Transit Administration (FTA), the 30 largest transit agencies reported that they:

- Extended patrol hours through law enforcement overtime and the deployment of administrative and operational personnel;
- Expanded the use of canine explosive detection patrols; and
- Issued more frequent and more detailed public awareness announcements regarding how to report unattended bags and suspicious behavior and how to evacuate from particular transit environments (i.e., train cars, tunnels, and bridges).

These actions built upon the important security foundation that was established over the last several years. In contrast to their pre-9/11 security posture, all of the largest transit agencies have now: developed and implemented action plans that are specific to each Homeland Security Alert System threat level; sent front-line employees to Federally-funded security and emergency response training courses; instituted public awareness campaigns, many utilizing Federally-developed materials; developed and tested emergency response plans; and hardened numerous assets to protect against security threats.

### **Adapting to a Changing Threat Environment**

Despite the work that has already been done, Mr. Chairman, the London bombings and other events throughout the world have demonstrated the need for a new strategic approach to transportation security. Fundamentally, our challenge is to protect passengers, freight, and our transportation network in a constantly changing threat environment. We understand better that terrorists will not only look for weaknesses in our transportation system and its security measures, but they will also adapt to perceived security measures. As a result, it is not possible to "predict" the next attack based on previous terrorist activity or put into place specific security measures to protect against it. In this dynamic environment, history is an unreliable guide.

In the face of unpredictability and rapid change in terms of threats, our approach to security in every transportation sector must be based on flexibility and adaptability.

- While it is *necessary*, it is no longer *sufficient* to protect ourselves against known or suspected terrorists; we must protect ourselves against people with no known affiliation to terrorism.
- While it is *necessary*, it is no longer *sufficient* to focus on finding weapons and common explosives; we must enhance our ability to recognize suspicious behavioral patterns and demeanors to identify people who may have devised a new means to attack our transportation systems or passengers.

- While it is *necessary*, it is no longer *sufficient* to subject every passenger to the same basic security procedures; we must create uncertainty and an element of randomness in security operations in order to disrupt terrorist planning and attempts.
- While it is *necessary*, it is no longer *sufficient* to focus solely on identifying the actors, like suicide bombers; we must integrate our security measures with local law enforcement to identify those who make the bombs and provide support.

Therefore, TSA is pursuing a security strategy based on Secretary Chertoff's Second Stage Review, the National Strategy for Transportation Security, and the following four operating principles:

**First, we will use risk/value analysis to make investment and operational decisions.**

That means that we will assess risks based not only on threat and vulnerability, but on the potential consequences of a particular threat to people, transportation assets, and the economy. Further, we will assess and undertake risk management and risk mitigation measures based on their effect on total transportation network risk. This holistic approach to risk assessment and risk mitigation may lead us, for example, to redirect the actions of our airport screeners to focus less on identifying and removing less threatening items from carry-on luggage, so that their time and attention can be spent on identifying potential components of an improvised explosive device.

**Second, we will avoid giving terrorists or potential terrorists an advantage based on our predictability.**

TSA will deploy resources – whether they are canine teams, screeners, air marshals, or inspectors – and establish protocols flexibly based on risk, so that terrorists cannot use the predictability of security measures to their advantage in planning or carrying out a threat. This may mean changing or adding to inspection routines on a daily or hourly basis to introduce uncertainty into terrorist planning efforts.

**Third, we will continue to intervene early based on intelligence, and focus our security measures on the terrorist, as well as the means for carrying out the threat.**

Enhancing and expanding the techniques to identify suspicious persons at the transit, train, or bus station, or to detect explosive devices is necessary. However, the strongest defense posture detects the terrorist well before the attempt to launch an attack has begun. A coordinated interagency intelligence collection and analysis effort must stand as the first line of defense. Effective dissemination of timely intelligence products to those who need them is a vital component of this effort.

**And, finally, we will build and take advantage of security networks.** As you may know, I am pursuing a restructuring of TSA that will put a renewed emphasis on building information sharing networks in every transportation sector – rail, transit, maritime, and trucking, as well as aviation. Not only will we work more closely with stakeholders in these industries, we will put a renewed emphasis on sharing intelligence, capacity and technology with other law enforcement, intelligence gathering and security agencies at

every level of government. We will build a more robust, distributed network of security systems to protect America.

As we apply these operational principles, I have also directed my staff to rededicate themselves to important customer service principles, as well. As we move forward,

- TSA will identify opportunities and engage the private sector in its work to develop and implement security systems and products.
- We will protect the privacy of Americans by minimizing the amount of personal data we acquire, store and share, and we will vigorously protect any data that is collected, stored or transmitted.
- And TSA will remember, in all that we do, our goal in stopping terrorism is to protect the freedoms of the American people. Therefore, we will work to make travel easier for the law-abiding public, while protecting the security of the transportation network and the people who depend upon it.

### **A Solid Foundation**

As we move forward strategically to enhance our security efforts in the public transportation and rail sectors, we are fortunate to be able to build upon a solid foundation of work, not only at the local level, but nationally, as well.

**Grants.** Substantial Federal assistance has been and will continue to be provided to support improved transit and rail security. TSA has assisted the DHS Office of State and Local Government Coordination and Preparation (SLGCP) in the development of its Transit Security Grant Program (TSGP). To date, SLGCP has provided more than \$255 million to State and local transit agencies through this program to increase protection through hardening of assets, greater police presence during high alerts, additional detection and surveillance equipment, increased inspections, and expanded use of explosives detection canine teams. In April 2005, DHS announced \$141 million in TSGP funding, of which more than \$107 million has been dedicated to owners and operators of rail systems. An additional \$6 million was awarded to Amtrak through the Inter-city and Passenger Rail Security Program (IPRSGP) for security enhancements to passenger rail operations in the Northeast Corridor and at Amtrak's hub in Chicago. Additionally, through SLGCP's State Homeland Security Grant Program and Urban Area Security Initiative, the Department has allocated more than \$8.3 billion for general counterterrorism preparedness.

The FY 2006 appropriations bill includes an additional \$2.5 billion for this purpose. The bill also includes a total of \$390 million in discretionary grants specifically for surface transportation security programs, including \$150 million for rail and transit security, \$175 million for port security, \$10 million for intercity bus security, and \$5 million for the Highway Watch program. TSA will continue to work closely with SLGCP on these programs, as well.

**Security Exercises and Training.** TSA has held numerous security exercises that bring together stakeholders, Federal, State, and local first responders, and security experts to test preparedness and response and identify best practices and lessons learned. We are also seeking new and improved ways to exercise and train for prevention methods, which will help strengthen a national prevention capability. These efforts will develop and support effective relationships among Federal, State and local entities and the private sector, and they significantly enhance our ability to anticipate and respond quickly and appropriately to security issues.

Additionally, through an interagency agreement with the Federal Law Enforcement Training Center (FLETC), TSA has trained over 400 law enforcement officers, transit police, and first responders through the Land Transportation Anti-Terrorism Training Program. TSA has also contracted with the FTA's National Transit Institute to develop a CD-ROM-based interactive training program for passenger and freight rail employees. This product is expected to be completed before the end of the current fiscal year. These training programs emphasize antiterrorism planning and prevention for land transportation systems. Areas of focus include security planning, transit system vulnerabilities, contingency planning, recognition and response for threats involving explosives and weapons of mass destruction, and crisis and consequence management. Guest instructors with specialized expertise supplement the FLETC staff, providing the benefit of actual experience through case studies.

**Self-Assessment Tool.** TSA has developed the Vulnerability Identification Self-Assessment Tool (VISAT), a multi-modal tool that public transportation agencies may voluntarily use to self-assess vulnerabilities within their systems. Specific modules focus on mass transit (heavy rail/subways), rail passenger stations, highway bridges, maritime, and operations centers. Additional modules under development will ensure this tool covers the spectrum of modes for which TSA holds lead responsibility for security. In general, the tool focuses on the prevention and the mitigation of an array of threat scenarios developed for each mode within the sector. Users rate their entity in terms of target attractiveness (from a terrorist's perspective) and several consequence categories that broadly describe health and well-being, economic consequence, and symbolic value of the entity. The tool enables a user to capture a snapshot of its security system baseline, assessing vulnerabilities in the system and assisting in the development of a comprehensive security plan.

**Surface Transportation Security Inspector Program.** The Department of Homeland Security Appropriations Act for FY 2005 provided \$12 million to TSA for rail security, including \$10 million to deploy 100 Federal security compliance inspectors and Congress has continued this funding in FY 2006. TSA has made substantial progress in developing a robust and comprehensive surface transportation security compliance inspector program with emphasis on hiring, training, and logistical and procedural planning. A total of 99 inspectors are now on board. Among other tasks, the security compliance inspectors will identify gaps in security and validate compliance with TSA's security directives.

## **Conclusion**

Mr. Chairman and Members of the Committee, I want to assure you that TSA is pursuing a robust strategy to support rail and transit security that builds upon the work of other Department of Homeland Security agencies, the Department of Transportation, and our public and private sector partners at the State and local level. We value the critical role the Congress, and especially this Committee, plays in this effort. The success of Secretary Chertoff's Second Stage Review and the strategic approach I've described today depend upon retaining the flexibility to determine risk-based priorities and to adjust our tactics to respond to developing circumstances and emerging trends. We look forward to working with Congress and this Committee on the full range of subjects so critical to protecting America's transportation infrastructure, its passengers, and the commerce that depends upon it.

Thank you. I would be pleased to respond to questions.