

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

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Before the

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

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Good morning Madam Chairman, Ranking Member Lieberman, and Members of the Committee. I am pleased to have this opportunity to testify on the subject of protecting public transportation targets from terrorist attack. My focus today will be on the programs and initiatives of the Transportation Security Administration (TSA) in mass transit and rail security – where we are investing our resources and why – as well as our immediate response to the London bombings and our vision for the road ahead.

TSA is an agency created on the heels of the 9/11 attacks. We are charged with protecting all modes of transportation – a mandate we have taken seriously since our inception. The tragic bombings in Moscow on February 6, 2004; in Madrid on March 11, 2004; and in London on July 7, 2005; and the attempted attacks there two weeks later, are grim reminders of the tactics of our enemies and of the need to remain vigilant and prepared.

The Department of Homeland Security (DHS), jointly with the Department of Transportation (DOT), delivered to Congress on September 9 a National Strategy for Transportation Security (NSTS), called for by the 9-11 Commission, the Intelligence Reform and Terrorism Prevention Act of 2004, and the Conference Report accompanying the Homeland Security Appropriations Act, 2005.

While the report itself is classified, and therefore its details cannot be discussed in a public forum, the NSTS outlines the Federal Government's approach, in partnership with state, local, and tribal governments and private industry, to secure the U.S. transportation system from terrorist threats and attacks, and prepare the Nation by increasing our capacity to respond if either occurs. It describes the policies the Federal Government will apply to manage the transportation risks and discusses how the Government will organize its resources to secure the transportation system from terrorist attacks.

The NSTS applies a threat-based, risk-managed approach, using the factors of threat, vulnerability, and consequence, to evaluate asset categories in the six transportation modes: aviation; freight rail; highway; maritime; pipeline; transit, commuter and long-distance passenger rail. This evaluation identified asset categories at greatest risk for each mode, for which corresponding risk-based priorities were developed. The document also discusses the roles and missions of Federal, State, regional, local, and tribal

authorities and the private sector, response and recovery responsibilities, and research and development requirements.

Our Current Program

Efforts to ensure transportation security vary with the nature of the system involved. The Nation's passenger rail and mass transit systems are fundamentally different from our aviation system. Transportation systems differ in size, in openness, and in control. Most importantly, our passenger rail, and mass transit systems are, by design, far more accessible than the commercial passenger aviation system, with multiple entry points, few barriers to access, and hubs that serve and allow transfers among multiple modes – intercity rail, commuter rail, subway, and bus – and multiple carriers. While commercial passenger aviation is a closed system that can be closely monitored at controlled checkpoints, passenger rail and mass transit are open systems without controlled checkpoints—hence, the security mission for those systems needs to be different. Many passenger rail and mass transit systems are vast in terms of infrastructure and ridership. To provide just one example, each weekday an average of 4.5 million passengers ride the New York City subway, compared to approximately 1.8 million domestic aviation enplanements per day, *nationwide*. In addition, passenger rail and mass transportation assets are owned or controlled by State or local governmental entities or private industry, each of which is responsible for its own security.

Because passenger rail and mass transit systems are networks interconnecting multiple carriers, routes, access points, and transfer hubs with massive passenger volume and flow, broad geographic spread, and multiple branches and interconnections, we cannot simply graft our commercial passenger aviation security systems now based on fixed and controlled checkpoints onto the passenger rail and mass transit modes. That is not practical. Instead, we have, since our inception, been working with those operating the rail and transit sectors to get in place an overlapping, flexible, multi-layered security regime. There is a strong security base in place and with continued close communication and a sense of urgency, it will continue to improve. I would like to address three areas of focus going forward: stakeholder partnership and cooperation, risk assessment, and technology evaluation.

Stakeholder Partnership and Cooperation. One hallmark of our rail and mass transit security program is the close working relationships we have fostered with other DHS components, with the DOT and its modal administrations, and perhaps most importantly, with the stakeholders – the public and private providers of rail and mass transit transportation who are also responsible for the systems' security. Our efforts have focused on greater information sharing between industry and all levels of government; addressing vulnerabilities in the rail and mass transit sector to develop new security measures and plans; increasing training and public awareness campaigns; and providing greater assistance for rail and mass transit activities.

On September 6, I signed an Annex to the existing DHS/DOT Memorandum of Understanding (MOU) on public transportation security with DOT's Federal Transit Administration (FTA) and DHS's Office of State and Local Government Coordination

and Preparedness (SLGCP). This MOU Annex cements our already solid, effective working relationship with FTA and SLGCP and delineates lines of authority and responsibility. This partnership will move us forward as we draw upon each organization's strengths to better provide services and information to the Nation's transit community. We designed this Annex with the goal of ensuring that programs, means of delivery, and protocols for incorporating stakeholder feedback are fully coordinated.

Risk Assessment. Security measures are a filter, not a guarantee, but effectiveness can be maximized, without unduly sacrificing freedom of movement, through risk assessment. A primary goal of our approach to security is to assess the risks and evaluate vulnerabilities associated with different components of the mass transit and rail systems to balance risk with resources. TSA's initiatives are intended to focus the collective limited resources available on the prevention of terrorist incidents with the greatest potential consequences.

Technology Evaluation. The challenge of harnessing security technology for mass transit and rail is two-fold: How can we best adapt the security technology developed for other purposes to the very different environment and circumstances of mass transit and rail systems? What new technologies are uniquely suited to mass transit and rail systems? Pilot programs, exercises, and research and development aim to leverage current and emerging technologies to deter attacks against mass transit and rail systems, especially those intended to cause catastrophic damage through use of chemical, biological, radiological, or high explosives weapons.

Together, these three components support our current security program and future planning.

Grants. Although primary responsibility for funding mass transit security rests with State and local governments, substantial Federal assistance has been and will continue to be provided through a variety of grants. TSA has assisted the 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 authorities 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 \$8.6 billion for general counterterrorism preparedness. The President's Fiscal Year (FY) 2006 homeland security budget proposes an additional \$2.4 billion for this purpose. These funds can also be allocated by State and local governments for rail and mass transit security efforts. The FY 2006 budget also requests \$600 million – a more than 60 percent increase – for the Targeted Infrastructure Protection Program, which covers security for rail, mass transit,

ports, inter-city buses, and programs such as highway watch and buffer zone protection. These areas and programs combined received \$365 million in FY 2005.

TSA has also coordinated closely with FTA, which launched a comprehensive public transportation security initiatives program funded primarily through a \$23.5 million supplemental security allocation in an FY 2003 emergency wartime appropriation. The program included threat and vulnerability assessments at 37 of the largest transit agencies, most involving multiple modes; the deployment of on-site security technical assistance teams to the 50 largest transit agencies; the award of security drill and exercise grants to over 80 transit agencies; the launching, with industry partners, of a Transit Watch security public awareness campaign; and the development and holding of community forums to enhance coordination and integration of transit agencies with emergency responders, fire and police departments, and other key stakeholders.

Security Exercises and Training. TSA has held numerous security exercises that bring together rail carriers, Federal, State, and local first responders, and security experts to test preparedness and response and identify best practices and lessons learned. These efforts support effective relationships among Federal entities and with State and local governments and the private sector and greatly enhance our overall security posture. These exercises assist TSA and stakeholders in addressing gaps in antiterrorism and response training among rail personnel.

Through an interagency agreement with the Federal Law Enforcement Training Center, TSA has trained over 400 law enforcement, transit police, and first responders through the Land Transportation Anti-Terrorism Training Program. Additionally, TSA has contracted with the 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 by the end of the current fiscal year.

Stakeholder Engagement. TSA has reached out and engaged with industry stakeholders, including the American Public Transportation Association and Amtrak, to identify common security practices and obtain feedback on security programs and initiatives. This input is crucial to TSA's efforts to continually identify best practices to enhance security in the mass transit and rail modes. We are committed to maintaining these engagements and using the information and experience gained in security measures and programs. TSA conducts weekly stakeholder teleconferences where unclassified threat information can be discussed, and TSA has a Surface Transportation Information Sharing and Analysis Center (ST-ISAC) at the Transportation Security Operations Center to prepare and distribute threat information to the mass transit and rail transportation industry.

Corporate Security Reviews (CSR). Since FY 2003, TSA has conducted 27 on-site corporate security reviews with rail and mass transit stakeholders, including six of the Nation's seven Class I railroads, to gain an understanding of each surface transportation owner/operator's ability to protect its critical assets. The program's goals are to supply baseline data that can be used to develop security standards, provide domain awareness of

security measures throughout the transportation sector, and promote outreach to transportation stakeholders as a means to ensure constant communication and foster stakeholder relationships.

The CSR Program has several recognized benefits. The data collected during these visits, such as security plans and critical infrastructure lists, supplies TSA with information to assist with other programs and exercises, to establish a baseline on the state of security in the Nation, and to establish performance-based security standards. This data also assists TSA in identifying areas where additional resources need to be dedicated to address security shortfalls.

Security Directives. To secure the U.S. passenger rail and mass transit sectors after the Madrid attacks, TSA issued Security Directives (SDs) that mandate specific security measures. The SDs set a standardized security baseline. They were developed in conjunction with stakeholders and DOT. The measures required by the SDs support DHS's overarching goals of prevent, protect, respond, and restore. A key measure mandated by the SDs is frequent inspections of key facilities, including stations, terminals, and passenger rail cars, for suspicious or unattended items.

Surface Transportation Inspection Program. In addition to the grant programs I have discussed, the Department of Homeland Security Appropriations Act for FY 2005 committed \$12 million to TSA for rail security, including \$10 million to deploy 100 Federal security compliance inspectors. 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 95 inspectors have been hired, and all 100 inspectors will be on board in the next 60 days. The inspectors will identify gaps in security and inspect for compliance with the SDs.

Transit and Rail Inspection Pilot Program. TSA has successfully conducted the Transit and Rail Inspection Pilot (TRIP) program, which was designed to test the feasibility of screening passengers, their luggage, and cargo for explosives in the rail environment. The pilot occurred in three phases and tested advanced automated x-ray explosives detection equipment and canine patrols. TRIP provided valuable lessons on how to successfully deploy, maintain, and use screening technology outside the airport environment. Results indicated that such technology might be useful if threats were made against a specific rail or mass transit system or in support of a National Special Security Event (NSSE). This aspect was successfully demonstrated at the Republican National Convention in the summer of 2004 and at the Presidential Inauguration in January 2005.

Explosives Detection Canine Teams. The FY 2005 DHS Appropriations Act also provided \$2 million to deploy explosives detection canine teams. The National Explosives Detection Canine Team Program consists of two components. First, a Rapid Deployment Force (RDF) has been developed to deploy DHS explosives detection canine team resources in support of local law enforcement agencies on an as needed basis to

assist in security efforts on transit systems, ports, and other transportation related activities, in the event of heightened levels of security. TSA's participation in the RDF has included augmentation of local law enforcement and local authorities during NSSes, such as the 2005 Presidential Inauguration and the 2004 Democratic and Republican National Conventions, as well as conducting joint training and assistance to existing mass transit canine teams. The second component of the explosives detection canine team program is devoted to rail and mass transit and should be completed by the end of calendar year 2005. This segment is being accomplished by partnering with rail and local mass transit authorities. It includes the training and deployment of additional TSA-certified explosives detection canine team assets to support mass transit systems and the development of national standard operating procedures for rail and mass transit systems. For example, TSA partnered with the Metropolitan Atlanta Rapid Transit Authority, deploying six TSA-certified explosives detection canine teams throughout that system.

Explosives detection canine teams bring technical capability, mobility, and flexibility to security – attributes essential in protecting network systems. The canine teams can move throughout the system, and they can also post at multiple points during time periods that vary by shift and by day. This variability in locations and times for use of canine teams adds an important element of unpredictability to enhance security.

This program is effective and expanding. On August 10, 2005, TSA offered a cadre of three dogs each to ten of the largest mass transit systems in the Nation. Participating law enforcement officers will attend the TSA Explosives Detection Canine Handler Course beginning this month. During that ten-week course, handlers will be matched with a TSA canine and trained in proper dog handling and search techniques. Upon graduation, the teams will return to their systems for local training, familiarization, and certification.

Hazardous Materials. The security of hazardous materials (HAZMAT) shipments, including radioactive materials and defense related items, is an area that has received special emphasis since 9/11. DHS and DOT have been working on several initiatives that support the development of a national risk-based plan to address the shipment of HAZMAT by rail and truck. For rail, a major effort is the assessment of the vulnerabilities of urban areas through which toxic inhalation hazard (TIH) materials are transported. TSA and DHS's Directorate for Information Analysis and Infrastructure Protection (IAIP) have worked together to enhance security in the Nation's capital with the National Capital Region (NCR) Rail Security Corridor Pilot Project. The \$9.6 million pilot initiative established a seven-mile long Rail Protective Measures Study Zone to protect HAZMAT traveling through the city. Measures undergoing testing and development include screening and monitoring of trains, monitoring of personnel, chemical monitoring, radiation and contamination monitoring, and physical security measures to prevent intruders from tampering with the rail lines or trains. The task force for this effort includes private stakeholders and other Federal and local government agencies that conducted risk vulnerability assessments and identified critical areas and mitigation strategies to enhance HAZMAT security along the D.C. Rail Corridor.

TSA continues to improve HAZMAT security through the High Threat Urban Areas (HTUAs) Corridor Assessments. The DHS/DOT team is conducting vulnerability assessments of HTUAs where TIH HAZMAT is transported by rail in significant quantities. TSA, IAIP, and federal partners from DOT (Federal Railroad Administration (FRA) and Pipeline and Hazardous Materials Safety Administration (PHMSA)) have completed four corridors. The goal of DHS is to complete nine corridor assessments of selected high-threat urban areas by the end of this calendar year. These assessments comprise one portion of a DHS and DOT plan to enhance the security of TIH rail shipments. Other goals of the plan are to enhance the ability of railcars to withstand attack, improve compliance with security plan regulations, develop protocols for protective measures, establish communication standards on rail car tracking systems, and improve rail car security during storage in transit.

TSA contracted with the Texas Transportation Institute (TTI) to conduct an independent rail HAZMAT placarding study to assess the feasibility of technological alternatives to the current placard system that would enhance security while maintaining the same level of safety for the first responder community. TTI identified alternatives in three categories: cloaking devices; decentralized systems; and centralized systems. The study was completed on December 17, 2004, but the technologies examined did not demonstrate capabilities that would justify replacing the current system. Based on the study, the Secretary of Homeland Security recommended that the Department of Transportation maintain the current placarding system.

In addition, FRA has administered and enforced the hazardous material shipment regulations promulgated by PHMSA or its predecessor, DOT's Research and Special Programs Administration since the 1970s. These safety regulations cover multiple subjects implicated by the shipment of HAZMAT by rail, including loading, unloading, transloading, placarding, rail car placement in trains, and documentation of the movement. There are nearly 100 FRA and State inspectors involved in aggressively inspecting and enforcing the HAZMAT regulations with respect to railroads, shippers by rail, tank car manufacturers, and tank car repair facilities. The FY 2005 FRA budget provides funding specifically for additional HAZMAT inspectors to address compliance issues involving tank car design, construction, quality, and maintenance.

Freight Rail Security Demonstration Projects. TSA has partnered with SLGCP to develop projects as part of that Office's FY 2005 Freight Rail Security Program (FRSP). These demonstration projects will be funded this fall with \$5 million allotted from the appropriation in the FY 2005 DHS Appropriations Act to SLGCP for intercity passenger rail transportation, freight rail, and transit security grants. These projects will be carried out in accordance with the September 2004 Memorandum of Understanding between DHS and DOT on agreed upon roles and responsibilities. Through this team approach, SLGCP, TSA, IAIP, FRA, and PHMSA will engage stakeholders at the ground level in designing a comprehensive and meaningful strategy for successful implementation of the proposed demonstration projects.

Self-Assessment Tool. TSA has developed a Vulnerability Identification Self-Assessment Tool (VISAT), a multi-modal tool that a rail or mass transit system may voluntarily use to detect and weigh the vulnerabilities within their systems. This tool is available on TSA's website. 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 by assessing vulnerabilities in the system and assisting in the development of a comprehensive security plan.

Of note, VISAT has been adapted for use by stadium and arena managers to enhance security as well. To date, access to VISAT has been provided to over 300 stadiums and 400 arenas. IAIP is spearheading efforts to adapt the program for use by other commercial sector venues, to include convention and performing arts centers. An IAIP pilot program with the States of Texas, Virginia, and California, aims to adapt the tool to support security awareness in K-12 schools.

Infrastructure Protection. To date, TSA has reviewed over 2,600 facilities, structures, and systems in a comprehensive effort to determine critical infrastructure. DHS has conducted 52 Site Assistant Visits (SAVs) in the transportation sector including rail lines, tunnels, bridges, mass transit systems, and bus terminals/systems as of August 26, 2005. DHS and TSA personnel continue to review the security plans, countermeasures, mitigation strategies, and technologies used by industry, and will identify best practices in the future.

FRA is assisting Amtrak in enhancing the security and safety of New York City tunnels under the East and Hudson Rivers. TSA and FTA are assessing the security of high-risk transit assets, including vulnerabilities in subway tunnels and at stations where large numbers of people converge and where an attack would cause the greatest loss of life and disruption to transportation services. FTA is working with local systems to develop best practices to improve communication systems and develop emergency response plans.

By a final rule issued on May 31, 2005, FTA met Congressional direction to establish a program providing for State-conducted oversight of the safety and security of rail systems not regulated by FRA. To be codified at 49 C.F.R. Part 659, the rule imposes specific requirements for the development, implementation, monitoring, and assessment of security plans in addition to expanding safety oversight requirements.

Response to the London Attacks

The recent London subway and bus attacks reaffirmed our need for vigilance in securing our rail and mass transit systems. The nationwide response to those attacks, however, also affirms the capability of our transit systems generally, as well as the way in which we interact. TSA and FTA jointly surveyed the top 30 transit agencies to determine changes in their security posture. Even before DHS officially raised the threat level for

this sector, many transit agencies had voluntarily enhanced their security with additional patrols, explosives detection canine support, and enhanced public awareness campaigns. These efforts built upon improvements in the security posture brought on by adherence to the security directives TSA issued in the aftermath of the Moscow and Madrid bombings in 2004. Most transit agencies also increased the frequency of security inspections, including track inspections. Many indicated that they would continue increased use of these resources even after the downgrading of the threat level from Orange to Yellow.

In the immediate aftermath of the bombings, TSA's surface transportation inspectors deployed to the operations centers of the major railroads and transit systems across the Nation to assess security posture and facilitate protective actions. FRA safety inspectors provided exceptional support and assistance in this effort with the railroads. TSA personnel were given access to transit agencies' operations centers nationwide to observe and evaluate and assist in responsive measures. This collective effort leveraged the assets, expertise, and carefully fostered partnerships of government and industry stakeholders to increase our situational awareness. Lessons learned by all parties will enhance overall security posture and awareness and foster effective cooperation and partnering among Federal, State, local, and private sector entities in the prevention of, and response to, acts of terrorism.

We also gained valuable experience in crisis communication among all parties, internal and external to TSA and DHS. Secretary Chertoff's decision to elevate the risk level to "Orange" for only this sector gave us valuable data relating to the ability of non-transit entities that were at "Yellow" to offer assistance to their "Orange" counterparts.

Internationally, TSA officials have engaged with their foreign counterparts on rail and mass transit security issues, with the aim of sharing and gleaning best practices from countries with a history of terrorism against their surface transportation systems, an effort we will continue and expand upon. TSA has met with the responsible officials from the United Kingdom, Israel, Spain, Russia, France, Japan, Greece (particularly in preparation for the 2004 Olympic Games), the Netherlands, Canada, and other countries. TSA has developed forums for sharing security information and practices on behalf of DHS across all modes of transportation. TSA also benefits from the efforts of TSA representatives based overseas in U.S. Embassies, who have expanded their traditional aviation security roles to include security issues relating to all modes of transportation.

On a multilateral basis, TSA has addressed the issue of rail and mass transit security in several existing forums, such as the European Union-United States Transport Security Cooperation Group and the Asia-Pacific Economic Cooperation (APEC) Transportation Security Working Group. TSA is also addressing rail and mass transit within the Group of 8 (G8) Secure and Facilitated Travel Initiative. TSA is cooperating closely with Japan in its efforts to host a 2006 Japan Transport Ministerial Meeting, which will include on its agenda rail and mass transit security.

The Road Ahead

We go forward with a disciplined measured program for protecting our mass transit and rail systems. Our efforts will continue to emphasize the shared responsibility of the Federal government, State and local governments, and industry. TSA will continually set the standard for excellence in transportation security through people, processes, and technology.

Crucial to our success as we move forward will be our ability to determine how to best invest our resources. As we continue with our risk assessments and pilot programs, we must optimize our resources to ensure that they are invested where they will give the most information or protection. We cannot and will not arbitrarily push money into security programs without an intelligent assessment of their utility.

Securing mass transit and rail systems must be a shared effort among Federal, State, and local governments and private stakeholders. Owners and operators are properly responsible for their own security. In mass transit, well-trained local law enforcement personnel understand the unique design characteristics and security challenges of their home town systems far better than anyone else. Success depends upon an effective partnership that builds on the strengths and resources that each level – Federal, State, and local – can offer and reflects the unique attributes and architecture of each system. To foster this effort, TSA has initiated a pilot program aimed at leveraging and networking information resources to ensure decision-makers at all levels have the tools they need to implement measures and take actions to deter and prevent terrorist actions.

Our challenge is great – to ensure security and protect lives and property while maintaining the access and efficient movement that is essential to rail and mass transit systems. Stakeholder partnerships, information networks, development and leveraging of technology, using a risk-based approach to deployment of Federal resources, grants to foster innovation at the State and local level and in the private sector – through these means, we will continue to strengthen our base of security programs in a manner that ensures freedom of movement for people and commerce.

Thank you for the opportunity to appear this morning. TSA looks forward to a continuing dialogue with Congress on the issues of mass transit and rail security. I will be pleased to answer any questions you may have.