



Department of Homeland Security Office of Inspector General

Effectiveness of TSA's Surface Transportation Security Inspectors





Homeland
Security

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Preface

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the strengths and weaknesses of the Transportation Security Administration's Surface Transportation Security Inspectors. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

AFSD	Assistant Federal Security Director
BASE	Baseline Assessment for Security Enhancement
DHS	Department of Homeland Security
FSD	Federal Security Director
hazmat	hazardous materials
SAI	Security Action Item
STSIP	Surface Transportation Security Inspection Program
TIH	Toxic Inhalation Hazard
TSA	Transportation Security Administration
TSI	Transportation Security Inspector – Surface
TSOC	Transportation Security Operations Center
VIPR	Visible Intermodal Prevention and Response

OIG

*Department of Homeland Security
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Executive Summary

The *Aviation and Transportation Security Act* gave the Transportation Security Administration (TSA) the responsibility to secure all modes of transportation in the United States. TSA created the Surface Transportation Security Inspection Program in 2005 to provide oversight and assistance to surface transportation modes. Currently, the program's Transportation Security Inspectors – Surface act as assessors, advisors, and liaisons, primarily in the mass transit and freight rail modes. In the future, TSA also expects the inspectors to enforce regulations and monitor progress on grant projects. Additionally, they may eventually work in pipeline and highway modes. The *Implementing Recommendations of the 9/11 Commission Act of 2007* (the *9/11 Commission Act*) mandated that we review the performance and effectiveness of the Transportation Security Inspectors – Surface, review whether there is a need for additional inspectors, and make other recommendations based on our analysis.

TSA is improving security in the mass transit and freight rail modes through the inspection program. Inspectors help bus and passenger rail stakeholders identify security gaps through Baseline Assessment for Security Enhancement reviews. They help reduce the risk that Toxic Inhalation Hazard shipments pose to High Threat Urban Areas through Security Action Item reviews. They increase TSA's domain awareness by producing station profiles and by acting as liaisons between the Transportation Security Operations Center and transportation systems. They also participate in Visible Intermodal Prevention and Response exercises, which provide an unannounced, high-visibility presence in a mass transit or passenger rail environment.

TSA faces important challenges in improving the effectiveness of the Transportation Security Inspectors – Surface. As TSA expands its presence in non-aviation modes, it must look critically at how it is deploying resources. TSA must continue to assess how planned exercises can better use the inspectors and their activities. The program appears understaffed for the long term and an aviation-focused command structure has reduced the quality and morale of the workforce.

Background

The *Aviation and Transportation Security Act* gave the Transportation Security Administration (TSA) the responsibility to secure all modes of transportation.¹ In 2005, TSA created the Surface Transportation Security Inspection Program (STSIP) to provide oversight and assistance to surface transportation modes. Transportation Security Inspectors – Surface (TSIs) have the authority to enforce security regulations and to help stakeholders improve their security in the surface modes, which include the mass transit, freight rail, highway, and pipeline sectors. In May 2008, TSA began expanding its force from 100 inspectors at 19 field offices to 175 inspectors at 54 field offices.

Although TSIs were originally created to be compliance inspectors for mass transit and freight rail, Congress and the Department of Homeland Security (DHS) have enacted several regulations, directives, and recommendations that have expanded TSI responsibilities (see figure 1 below). Currently, TSIs act as assessors, advisors, and liaisons, primarily in the mass transit and freight rail modes. In the future, TSA also expects TSIs to enforce regulations and help monitor the progress of grant projects. Additionally, TSIs may eventually work in pipeline and highway modes.

In mass transit systems, TSIs' primary responsibility is to perform Baseline Assessment for Security Enhancement (BASE) reviews. TSIs collect detailed information regarding a bus or mass transit rail system's implementation of TSA and Department of Transportation recommended security measures, and this information aids TSA in allocating transit grant funds. TSIs help increase TSA's knowledge of bus and rail systems by responding to security incidents and by producing detailed profiles of a station's security features. TSIs act as regional liaisons to transit system managers and security directors, and can discuss their use of grant funds. They also participate on Visible Intermodal Prevention and Response (VIPR) teams, which provide an unannounced, high-visibility presence in a mass transit or passenger rail environment.

In the freight rail mode, TSIs perform Security Action Item (SAI) reviews of freight railroads' compliance with TSA and Department of Transportation recommended security measures for the safeguarding of Toxic Inhalation Hazard (TIH) shipments. TSIs interview employees and perform onsite assessments of freight rail yards to observe operations.

¹ 49 U.S.C. 114(d).

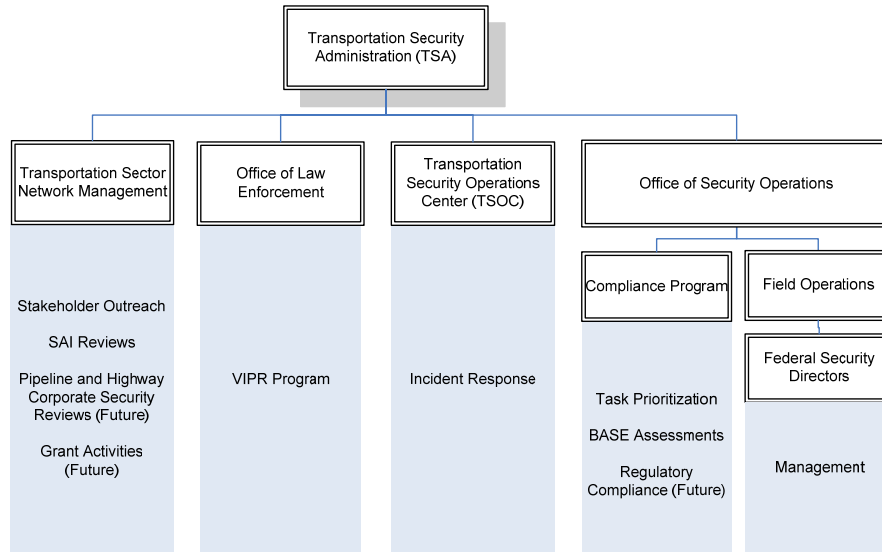
TSIs inspect loaded TIH shipments in High Threat Urban Areas, and record their location and how long they were left unattended.

**Figure 1. Regulations, Directives, and Recommendations on TSI Roles
Documents Outlining the Role of TSIs**

<p>October 18, 2004: <i>Department of Homeland Security Appropriations Act of 2005.</i> Established the Surface Transportation Security Inspection program by supporting the deployment of up to “100 federal rail compliance inspectors.”</p> <p>January 4, 2005: <i>Department of Homeland Security Appropriations Act of 2006.</i> Amended inspector’s compliance role, directed rail inspectors to “identify coverage gaps” in security.</p> <p>December 21, 2006: <i>TSA Rail Security Regulations (pending final approval).</i> Established TSA’s authority to access transit systems and their records without advance notice.</p> <p>May 21, 2007: <i>TSA’s Transportation Sector Specific Plan.</i> Set forth inspectors’ roles as advisors, assessors, and liaisons in the mass transit and freight rail modes. Inspectors are to conduct freight rail and mass transit security reviews, and participate in Visible Intermodal Prevention and Response teams.</p> <p>August 3, 2007: <i>Implementing Recommendations of the 9/11 Commission Act of 2007.</i> Defined the inspector’s domain as surface, including bus, highway, and pipeline modes. Gave inspectors the ability to issue citations in the event of stakeholder noncompliance with regulations.</p> <p>June 2008: <i>TSA’s Administration and Coordination of Mass Transit Security Programs (DHS Office of Inspector General report).</i> Recommended that TSIs provide TSA updates on the status of grant projects.</p>

TSIs serve as field personnel for numerous TSA components (see figure 2). TSA’s Transportation Sector Network Management, which sets policy over all modes of transportation and formulates security strategies, relies heavily on TSIs to assist with stakeholder relations and security assessments. The Office of Law Enforcement operates the VIPR program in which TSIs participate. The Transportation Security Operations Center (TSOC) uses TSIs to respond to security incidents on surface modes and gather first-hand information. Within TSA’s Office of Security Operations, the Compliance Program at headquarters manages TSI priorities, while the Federal Security Directors (FSDs) in the field manage the TSIs themselves.

Figure 2. Organization of TSI Responsibilities



TSIs are organized into 12 primary field offices and 42 satellite offices (see Figure 3). Each primary field office contains a supervisory TSI, designated as an Assistant Federal Security Director – Surface (AFSD–Surface), who is responsible for inspectors in their office and provides some oversight for inspectors in nearby satellite offices. TSA generally deploys TSIs in cities with a major mass transit system or significant freight rail activity.

Figure 3. TSI Field Offices



Results of Review

The *Aviation and Transportation Security Act of 2001* gave TSA authority and responsibility for security on all modes of transportation. Since 2005, TSA has increased its efforts to mitigate the vulnerability of mass transit and freight rail systems across the United States with the STSIP. The STSIP has been effective in its assessment and domain awareness initiatives. As TSA expands its presence in non-aviation modes, it must look critically at how it is deploying resources. TSA needs to assess how VIPR exercises can better use TSIs and their activities. The program appears understaffed for the long term, and an aviation-focused command structure has reduced the quality and morale of the workforce.

Surface Inspector Assessment and Domain Awareness Initiatives Have Been Effective

TSIs' assessment and domain initiatives have been effective and helped the program achieve many of its goals. TSIs are successfully improving security through BASE assessments, SAI reviews, and liaising between the TSOC and transportation systems. TSIs contribute to VIPR exercises, but TSA could do more to incorporate TSI activities with these exercises.

BASE Assessments

In the mass transit mode, TSIs perform BASE assessments that help bus and passenger rail stakeholders identify security gaps. A BASE assessment is composed of a series of interviews involving more than 190 security questions. Stakeholder responses receive numerical values and, based on these scores, the mass transit agency receives an overall score for each of TSA's Six Transit Security Fundamentals (see figure 4). To validate responses, TSIs review documents, question personnel, and observe security measures within the transit system. During a BASE review, TSIs frequently work with the local agency security director to create or improve plans and protocols, and advise stakeholders on ways to address vulnerabilities.

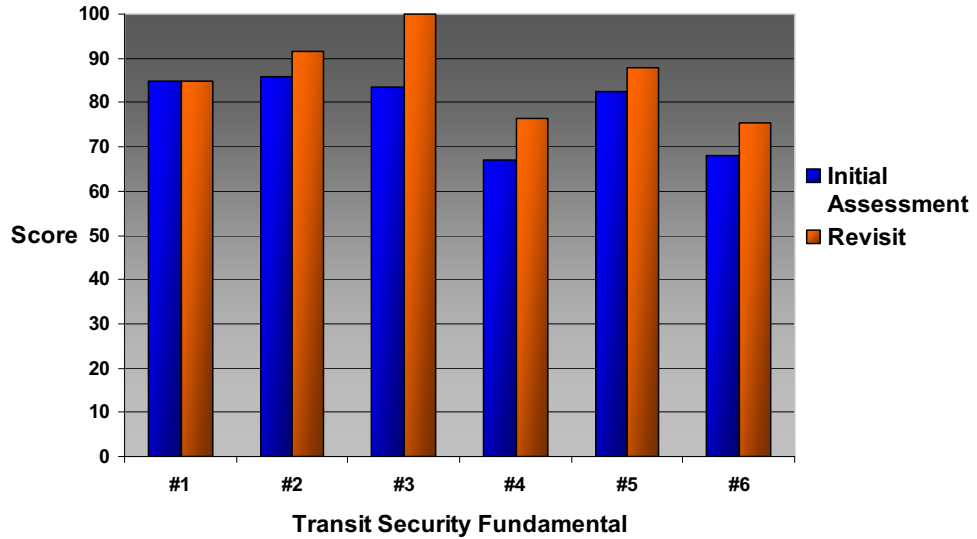
Figure 4. TSA's Six Transit Security Fundamentals

TSA's Six Transit Security Fundamentals
1. Protection of high-risk/high-consequence, underwater/underground assets and systems.
2. Protection of other high-risk/high-consequence assets identified through system-wide risk assessments.
3. Use of visible, unpredictable deterrence.
4. Targeted counterterrorism training for key frontline staff.
5. Emergency preparedness drills and exercises.
6. Public awareness and preparedness campaigns.

TSA uses BASE assessments to increase its awareness of the Nation's mass transit security posture. TSA also can set policy goals, identify areas for improvement, and formulate recommendations. As a result of BASE assessments, TSA has produced 55 Smart Security Practices, which give specific examples of transit systems that have implemented best practices. TSA plans to use BASE assessments to help formulate future security regulations and allocate asset-specific grants.

Although BASE assessments are voluntary, they have led to security improvements in the mass transit systems reviewed. TSIs have performed 79 BASE assessments of the top 100 transit agencies. As of May 2008, TSIs have revisited two systems. The average scores of revisited systems show improvement in five of the six Transit Security Fundamentals (see figure 5).

Figure 5. Transit Systems' BASE Scores for TSA's Transit Security Fundamentals



SAI Reviews

In the freight rail mode, TSIs perform Security Action Item reviews focused on reducing the risk that TIH shipments pose to High Threat Urban Areas. TIH refers to hazardous materials (hazmat) that can cause serious harm or death through inhalation. These materials, most commonly chlorine gas and anhydrous ammonia, have various uses and are frequently transported in large tank cars (see figure 6). The department has identified TIH materials as high risk because, in contrast to normal hazmat, an accidental or intentional airborne release has the potential to harm large, widespread populations. In November 2006, Secretary Chertoff set a goal to reduce the risk posed by transporting TIH by rail in High Threat Urban Areas by 50% in 2008.

Figure 6. Chlorine Tank Car



To evaluate freight rail risks, TSA created a five-phase SAI assessment program. In Phases I-III, TSIs collect data to assess freight railroads' implementation of 24 recommended security practices (see appendix C). TSIs evaluate a freight company's security systems and plans, employee security and identification procedures, and other practices. In Phases IV-V, TSIs visit freight railroad locations to assess employee TIH awareness, verify the location of loaded TIH cars, and determine whether loaded cars are attended. TSA uses the data to calculate the risk posed by TIH in a given High Threat Urban Area.

As a result of SAI review, TSIs make recommendations to stakeholders whose compliance is voluntary. TSA and TSIs encourage freight rail operators to expedite the movement of trains transporting rail cars carrying TIH materials, establish secure storage areas, position cars where the most practical protection can be provided, and reduce the amount of time that TIH cars are stationary or unattended. TSIs reported that stakeholders are cooperative and welcome recommendations that improve security.

TSA officials said that information gathered from SAI reviews will drive the formulation of regulations. One regulation pending would require rail stakeholders in High Threat Urban Areas to enhance their chain of custody and control measures for TIH.² If the regulation is approved, TSA could impose fines for noncompliance through an administrative process based on the results of its inspections.

² 49 CFR 1580

The SAI review process has led to a reduction in the risk posed to High Threat Urban Areas. As of May 2008, TSIs have performed more than 3,000 SAI reviews of 500 freight rail facilities in 60 High Threat Urban Areas. The results of the reviews showed that TIH cars were left unattended 13% fewer hours and overall risk was reduced by 54%. TSA officials report that they expect to maintain this reduction and achieve the Secretary's goal of reducing current risk by 50%, by the end of 2008.

Aiding Security Incident Response

TSIs are enhancing TSA's domain awareness for incident response by responding to information requests from the TSOC and producing station profiles. In the event of a security incident or other emergency, TSIs provide specific, local information for headquarters personnel. During these incidents, TSIs act as a liaison between the TSOC and the surface transportation systems. TSOC officials said that before the creation of the STSIP, it was difficult for them to collect incident information in the surface domain.

The TSOC relies on the TSIs to provide rapid, accurate situational awareness during a surface transportation emergency. TSIs maintain relationships with more than 2,000 stakeholders nationally, including transit systems, freight rail operators, local law enforcement, and other stakeholders. TSOC representatives can contact a TSI at any hour, and can request that the TSI contact the appropriate local officials who have firsthand knowledge of the incident. The TSOC also can request that the TSI respond to the scene of an incident to ensure timely and accurate information reporting. Officials at the TSOC said that there are roughly ten incidents daily in which they rely on the TSIs to provide information. TSIs have been very successful in providing requested information: TSOC officials report a 100% response rate to their information requests.

TSIs also produce station profiles that emergency responders can use to understand the layout of a mass transit station. These detailed reports catalog a station's specific physical characteristics and security elements. Each profile includes photographs, maps, and points of contact. As of June 2008, TSIs have profiled 1,810 of the approximately 3,600 mass transit stations in the United States. TSIs generally profile the most critical stations first.

Visible Intermodal Prevention and Response Teams

TSIs participate in VIPR exercises, which provide an unannounced, high-visibility presence in a mass transit or passenger rail environment. TSIs mostly act as patrollers who monitor suspicious activity and whose presence may deter terrorist activity. In some locations, the AFSD–Surface coordinates the exercise with the local mass transit stakeholder. In other locations, TSIs informally educate other VIPR participants about the surface mode or an individual transit system.

TSIs add value to VIPR exercises, but not as much as other participants (see figure 7). TSIs have less training and experience in behavioral detection than Behavior Detection Officers and, unlike Federal Air Marshalls or transit police, have no law enforcement authority. Unlike Transportation Security Officers or canine teams, TSIs have no training in passenger screening and are unable to detect explosives. However, TSIs are usually more familiar with a transit system than many participants and do fulfill a VIPR deployment’s ultimate purpose of providing a visible, unpredictable presence in a mass transit environment.

Figure 7. VIPR Participants and Capabilities

VIPR Participant	Visible Presence	Behavior Detection	Domain Familiarity	Arrest Authority	Explosives Detection	Screening Capability
TSIs	Yes	Some	Yes	No	No	No
Transportation Security Officers	Yes	Some	Some	No	No	Yes
Behavior Detection Officers	Yes	Yes	Some	No	No	Yes
Federal Air Marshalls	No (covert)	Yes	Some	Yes	No	No
Canine Teams	Yes	Some	Yes	No	Yes	No
Transit Police	Yes	Some	Yes	Yes	No	No

In May 2008, TSA began hiring 75 new TSIs that were specifically appropriated for participation in VIPR teams. However, to maximize these resources, new hires will not participate exclusively in the VIPR program. Instead, TSA will implement a program-wide increase in TSI VIPR activity, resulting in

participation equivalent to that of 75 full-time employees. The STSIP plans to increase the time that TSIs spend on VIPRs from approximately 2% to 25%.

The STSIP will have difficulty meeting this goal. TSA's Office of Law Enforcement, not the STSIP, primarily initiates and controls VIPRs. In a given month, the Office of Law Enforcement plans approximately 15 VIPR exercises, which equals about 120 hours of monthly VIPR activity. With 175 inspectors, the STSIP has approximately 28,000 total man-hours of activity each month. Even if ten TSIs attended every VIPR exercise for a full day, the STSIP would spend only 1,200 hours or 4% of its time on VIPR exercises. The Office of Law Enforcement does not operate enough VIPRs for TSIs to dedicate 25% of their time to this activity.

TSA is working to integrate TSI initiatives with VIPR operations. Although the VIPR program Concept of Operations states that VIPR exercises should involve "utilizing screening, inspections and law enforcement in coordinated activities," the TSIs' role is limited to planning, educating, and patrolling. TSIs report that they feel underutilized during exercises.

TSA would benefit if VIPR exercises integrated additional TSI activities and expertise that do not constitute regulatory compliance or comprehensive inspections. VIPRs should use the TSIs' professional strengths while educating and familiarizing other VIPR participants about the surface modes. Additionally, with a significant portion of the TSIs' time dedicated to VIPR, it may be necessary for the STSIP to integrate its activities with VIPR exercises to complete many of its tasks.

We recognize that there are challenges in planning VIPR exercises. VIPR exercises have a designated coordinator, and exercises can involve weeks of planning. Transit systems have specific agreements with TSA on how VIPR exercises will be carried out and some systems have not yet approved them. VIPR coordinators are often unfamiliar with the nature of TSI activities. However, in response to our draft report, TSA expounded on the potential role of TSIs and how VIPR exercises might better integrate TSI resources.

Recommendations

We recommend that the Administrator of the Transportation Security Administration:

Recommendation #1: Assess how VIPR exercises can better use TSI resources and initiatives, then develop and execute a plan to conduct VIPR exercises that integrate TSI activities.

Management Comments and OIG Analysis

TSA provided written comments on our draft report. We evaluated these comments and have made changes where we deemed appropriate. Below is a summary of TSA's written response to the report's first recommendation and our analysis. A copy of TSA's complete response is included as appendix B.

TSA's Comments to Recommendation #1:

TSA partially concurred with the recommendation. TSA agreed that TSIs and their unique expertise in mass transit and rail should be integrated into VIPR planning and deployment. TSA stated that it has addressed the potential role of TSIs in its *VIPR Team Capabilities and Operational Deployment* guide. TSA did not agree that TSIs' comprehensive inspection activities, such as BASE and SAI reviews, should be integrated into VIPR operations. TSA considered that doing so would fundamentally alter the nature and meaning of VIPR operations. TSA stated that VIPRs are intended to supplement existing security activities at a mass transit or passenger rail agency by randomly and unpredictably integrating TSA's capabilities for an added deterrent effect.

OIG Analysis: We consider TSA's actions generally responsive to the recommendation. We concur with TSA's intentions to expand TSIs' role in planning and deployment. In its action plan, TSA should describe how it is encouraging VIPR coordinators to use TSIs for these and other activities, provide evidence that TSIs are participating in them, and document their progress in meeting participation goals.

We agree that the integration of regulatory inspections by TSIs would alter the nature and meaning of VIPR operations. We also

acknowledge the conflicting purposes of simultaneously conducting an operation and a full BASE assessment or a regulatory compliance inspection, should regulations be enacted. Based on TSA's response, we clarified these points in the report's discussion of VIPR teams.

TSA has stated, and various documents support, its intentions to expand the role of TSIs in VIPRs and meet ambitious participation goals. The VIPR Concept of Operations and aforementioned deployment guide indicate that TSA is taking appropriate action. The VIPR Concept of Operations states that VIPR operational capabilities are law enforcement, screening, and inspection. The guidelines address the potential role of TSIs and identify observation and reporting, and collaborative efforts with transit and rail system officials to enhance their security baseline, as well as several other skills and capabilities that TSIs can bring to VIPR deployments.

TSA can expand the role of TSIs even when they do not perform thorough or regulatory inspections. For example, TSIs are well-positioned to carry out station profiles and physical verification during a VIPR operation. TSA will be challenged to sufficiently integrate TSIs to meet participation goals. Beyond advanced planning and passive observation, we are not clear to what extent TSA is willing to ask TSIs to support VIPR operations. We urge TSA to continue to look critically at how TSIs fit within the VIPR mission.

This recommendation is Resolved – Open.

Additional Surface Inspectors Are Needed to Perform Future Tasks and Enhance Understaffed Field Offices

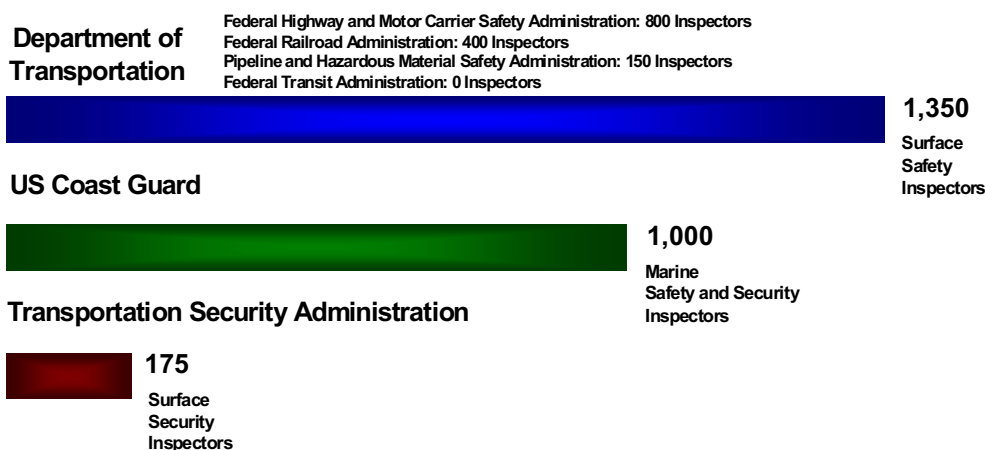
TSA would benefit from expanding the TSI workforce to handle new duties and to augment thinly staffed field offices. The *9/11 Commission Act* gave TSIs the authority to perform regulatory compliance inspections and to perform their duties in all surface modes. Additionally, our June 2008 report, "TSA's Administration and Coordination of Mass Transit Security Programs," recommended that TSIs play a greater role in TSA's grant programs.

With a current force of approximately 100 inspectors, TSIs are almost exclusively used as assessors in the mass transit and freight rail modes.

Although TSA will hire 75 additional inspectors in 2008, it is dedicating this increase in manpower to VIPR and is thinly deploying them across 34 new field offices. This will put field offices at risk because they will be inadequately staffed to carry out current assessment duties or future compliance duties when one inspector is unavailable.

TSA has not determined how many inspectors it needs for its future duties, although it has requested an additional 102 inspectors for FY 2010. The TSI force is small compared to other federal agencies with inspectors (see figure 8). The Department of Transportation employs approximately 1,350 inspectors to perform safety inspections for the freight rail, pipeline, and highway modes, and the Coast Guard has roughly 1,000 inspectors to perform safety and security inspections for the maritime mode.

Figure 8. Federal Safety and Security Inspection Forces for Surface Modes



Surface Assessments and Regulatory Compliance

Pending TSA rail regulations will require enforcement by TSIs. The proposed regulations would require rail entities to designate a security coordinator, report significant security incidents to TSA, and provide a secure chain of custody for hazmat. TSA officials said that they are waiting for the regulations to be published before reviewing whether the current force is adequate.

TSIs have had little interaction with the pipeline industry, but TSA plans to use inspectors in this mode in FY 2009. The *9/11 Commission Act* requires that TSA review the 100 most critical pipeline operators. With only 11 employees, officials at TSA’s Pipeline Division said that they do not have the manpower to comply with the *9/11 Commission Act* or enforce future

regulations. A senior TSA official said that TSIs will be used to meet the requirements of the *9/11 Commission Act* and other goals of the Pipeline Division in 2008 and 2009.

TSA also is planning to assign responsibilities to TSIs in the highway and motor carrier modes. The *9/11 Commission Act* requires that TSA perform a number of highway-related activities, including assessing the security risk of the trucking industry, documenting hazmat routes, and tracking sensitive materials. Additionally, officials from TSA's Highway and Motor Carrier Division expressed interest in using TSIs for Corporate Security Reviews and enforcing future regulations. However, TSA has yet to develop plans to use TSIs in this mode. Highway and Motor Carrier Division officials said that highway regulations would require "hundreds of compliance inspectors."

With the exception of grant oversight, TSA officials believe there is little need for TSIs in the maritime transit mode. The U.S. Coast Guard has primary responsibility for security in this mode and has 1,000 marine safety and security inspectors who enforce security regulations and conduct inspections.

Grant Oversight

Three surface-related grant programs may require TSI participation. TSA administers the Transit Security Grant Program, Trucking Security Grant Program, and Intercity Bus Security Grant Program. In FY 2008, DHS awarded grants for these programs in excess of \$415 million. TSIs develop considerable asset-specific information through routine assessments and consultation with surface stakeholders. TSIs can physically verify the use of grant funds through direct observation, and TSI assessments can provide transparent substantiation for funding decisions.

Adding Manpower in Field Offices With Two or Fewer Inspectors

The STSIP needs more inspectors at most of its field offices to ensure that work continues when one inspector is unavailable. Of the 54 TSI field offices, 30 have only two inspectors and 4 field offices have only one. When inspectors are in training or on leave, often field offices will have one or no inspectors. In 2007, 12.7% of inspectors' time was dedicated to training and at least 5% of inspector's time was reserved for personal leave.

According to STSIP performance reports, most field inspection time is dedicated to activities that require at least two experienced TSIs. For safety purposes, SAI reviews and other site visits to freight rail facilities require the participation of at least two TSIs who are sufficiently experienced in the freight rail mode. Additionally, BASE assessments require the participation of at least two TSIs who are familiar with the mass transit environment to ensure assessment accuracy. When one TSI is unavailable, most field offices are incapable of performing routine duties without borrowing inspectors from other field offices.

Enforcing pending regulations also will involve site visits to freight rail facilities, which for safety purposes require two experienced TSIs. Pending regulations will require rail hazardous materials facilities within High Threat Urban Areas to apply an enhanced chain of custody and control measures when receiving or unloading hazardous materials. Experienced TSIs will need to visit these facilities to inspect and test compliance with this regulation.

Recommendations

We recommend that the Administrator of the Transportation Security Administration:

Recommendation #2: Examine how many inspectors are needed to perform necessary functions by assessing current and anticipated future duties, and then expand the TSI workforce to ensure that each field office has sufficient staffing.

Management Comments and OIG Analysis

TSA's Comments to Recommendation #2:

TSA concurred with the recommendation. TSA stated it has implemented an approach to maximize national coverage by TSIs. TSA stated that a minimum of two inspectors per office ensures the capability to meet security assessment, inspection, and support demands while maintaining operational safety. TSA noted that when one inspector is absent, a TSI from another office can fill the need. Additionally, TSA stated it has cross-trained 200 aviation and cargo inspectors to assist surface inspectors.

OIG Analysis: TSA faces an important and difficult challenge fulfilling the requirements of the *9/11 Commission Act* and increased expectations of its TSI workforce. TSA's FY 2010 STSIP budget request identifies numerous activities and responsibilities, such as inspection and assessment, that TSIs will be obligated to perform in the near future.

We do not dispute that TSA is using, and will continue to use, a risk-based approach to allocate its TSI resources. We are more concerned that the STSIP is insufficiently staffed to meet current workload demands. At TSA's request, we changed the wording of our recommendation from "determine" to "examine," but simply stated that TSA should be planning with more precision how many inspectors it will need.

An issue that may warrant further examination is the STSIP's ability to adapt to situations when it must backfill a TSI locally. It is only one example among several that formed the basis for our recommendation. Although we did not assess the skills and abilities of non-surface inspectors cross-trained for such situations, AFSDs—Surface are reporting that aviation and cargo inspectors are incapable of performing most surface inspector duties and that it would be unsafe for them to substitute for surface inspectors in a freight rail environment. As a result, we believe that STSIP operations are still vulnerable in these situations. Furthermore, FSDs have exacerbated this problem by hiring surface inspectors without mass transit or freight rail experience. TSA claims that two TSIs are needed per office to maintain operational safety, yet four field offices have only one inspector.

We acknowledge that TSA may be waiting for regulations to take effect before increasing its current workforce. Accordingly, in its action plan, TSA should describe the steps it is taking to assess the number of inspectors needed to perform both current and future functions.

This recommendation is Unresolved – Open.

Command Structure Inhibits Surface Inspector Effectiveness

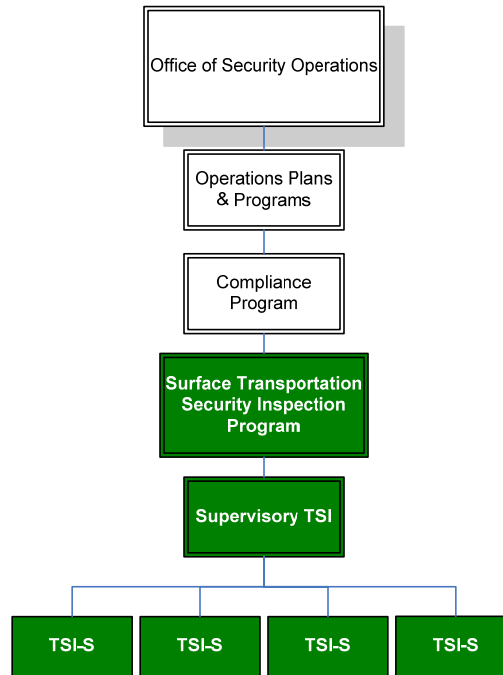
The current TSI command structure inhibits TSI effectiveness. In December 2006, TSA shifted from a system where TSIs reported to surface-focused supervisors to a system where TSIs report to aviation-focused supervisors. As a result, TSIs who do not have appropriate surface experience have been hired, and TSIs have been tasked with non-surface related tasks. These actions are affecting the quality and morale of the work force.

The Transportation Surface Inspector Command Structure

Although TSA's Operation Directives 400-54-3 prescribes a single chain of command, to surface inspectors their chain of command is much less clear due to the current organizational structure and nature of communication between headquarters and field personnel. The STSIP office at TSA headquarters determines the mission and tasks of surface inspectors, but the inspectors ultimately report to an FSD in a nearby airport. The FSD is the senior TSA official at an airport and is responsible for providing operational leadership for transportation security responsibilities. Pursuant to TSA's Delegation of Authority 400.1, the FSD is also responsible for assessing threats to transportation systems and enforcing regulations within his or her area of responsibility. Where an FSD's area of responsibility is expanded outside of the airport, the FSD has responsibility over other surface modes.

TSA has made two major revisions to the program's organizational structure. Originally, TSIs in the field reported to a supervisory TSI, who reported directly to the STSIP office at TSA headquarters (see figure 9).

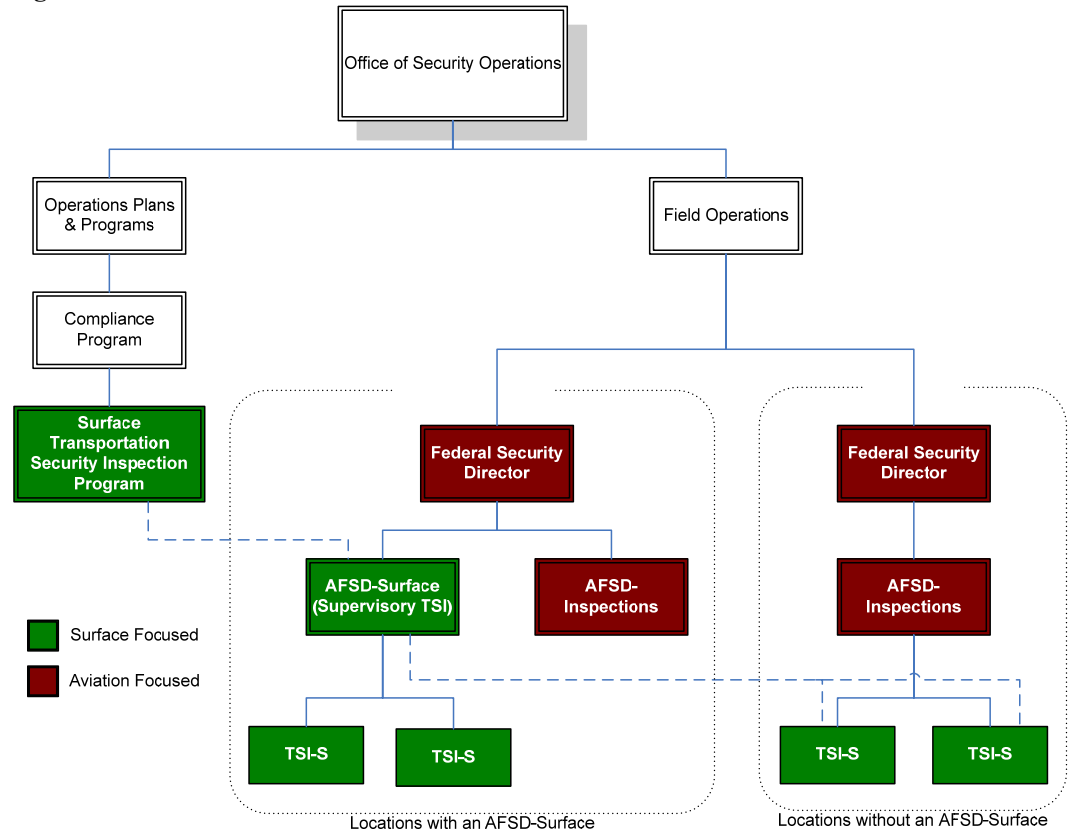
Figure 9. Original TSI Command Structure



In December 2006, TSA reorganized the program to match the field command model for aviation and cargo inspectors. Supervisory TSIs became AFSDs–Surface who report to the local FSD. The FSD is the administrative manager, but the STSIP headquarters office still sets the priorities and provides the budget resources for the inspectors in the field. AFSDs–Surface, therefore, effectively have two chains of command.

In May 2008, TSA made further changes. In primary field offices that have an AFSD–Surface, TSIs report to that individual. In satellite field offices without an AFSD–Surface, inspectors report to the local Assistant Federal Security Director – Inspections (AFSD–Inspections). However, the AFSD–Surface at the nearby primary field office still mentors and advises all surface inspectors within that area, even when they are not under his or her direct command. Under this structure, 55 (37%) of TSIs report to an AFSD–Surface, and the remaining 95 (63%) report to an aviation-focused AFSD–Inspections (see figure 10).

Figure 10. Current TSI Command Structure



FSD Involvement in STSIP

We observed several problems regarding FSDs’ involvement with the STSIP that have led to tension and confusion over the program’s chain of command. At the TSA Administrator’s direction, FSDs are responsible for the security of all transportation modes in their assigned region. However, the FSD position is primarily focused on aviation security, which limits FSDs’ ability to engage the surface modes. TSA officials agreed that FSDs have historically focused most of their attention on the security of their airports. According to officials, this is most prevalent in cities with major airports, where the FSD’s aviation duties consume more time. These major airports also tend to be located in cities with major mass transit systems or freight rail operations. The surface mode is a second-tier priority for many FSDs, and the FSD position description does not mention surface responsibilities.

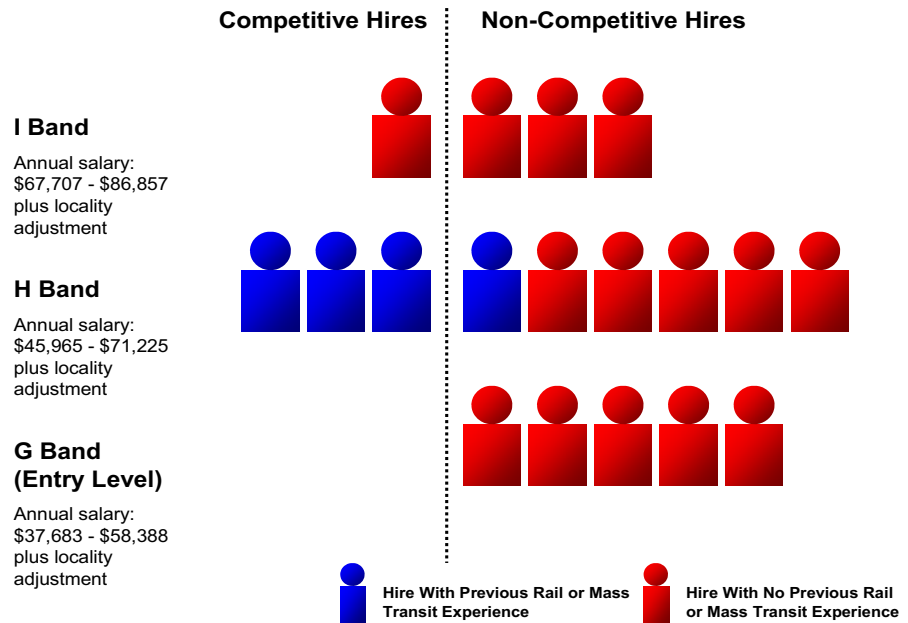
Second, FSDs generally lack a surface transportation background. TSA has taken steps to educate FSDs on the surface modes, such as requiring that they attend the Transportation Technology Center

Inc. in Pueblo, Colorado, to familiarize themselves with rail operations. One of TSA's justifications for the initial realignment of the STSIP was that it would "enhance the domain awareness capabilities of FSDs in all surface transportation modes." However, according to most AFSDs–Surface, this has not occurred to any great extent. Many AFSDs–Surface said that their FSD is not heavily engaged in surface transportation security, deferring to the AFSDs–Surface subject matter expertise and allowing TSIs to operate without interference.

Third, FSDs have not always shown the same deference when hiring TSIs. FSDs have hired people who do not have surface experience for senior TSI positions. Following the reorganization in December 2006, the local FSD assumed hiring authority for all new TSI personnel. Since that time, FSDs have hired 18 surface inspectors. In some cases, the AFSD–Surface was involved in the hiring process, but several said that the FSD did not include them. Several also said that the FSD hired someone other than the first choice of the AFSD–Surface. These new hires had not worked in a rail or mass transit environment. Of the 18 inspectors hired, 5 were entry-level positions. Of the remaining 13 positions, FSDs filled 9 (69%) of the positions with individuals with no rail or mass transit experience (see figure 11).

Of the nine individuals hired with inadequate surface experience, four were Transportation Security Inspectors – Aviation, two were Security Instructors, two were Transportation Security Officers (screeners), and one was a hazmat truck driver. With the exception of the truck driver, these hires were reassigned to their new positions without open competition. In one case, a D-band screener who had been with TSA for less than 4 months was reassigned to an H-Band TSI position, receiving a raise of more than \$27,000. The hazmat truck driver was hired to an I-Band position after completing a knowledge, skills, and ability assessment with incorrect information.

Figure 11. TSI Hires, December 2006–July 2008



The TSI program benefits when new hires have prior surface transportation experience. Rail yards are inherently dangerous places, with a number of safety considerations. TSIs told us that even the extensive training they receive cannot supplant years of safety-conscious experience. One AFSD–Surface said that he did not feel comfortable with his new TSIs entering the rail yard without an experienced TSI present. Also, TSIs who bring an existing network of contacts within the surface transportation mode will be much more effective as a liaison. While TSA has successfully hired junior TSIs without previous surface experience, both AFSD–Surface and TSA headquarters personnel expressed concerns about senior TSIs coming aboard without appropriate experience in rail. Congress echoed these concerns in the *9/11 Commission Act*, which states that “surface transportation security inspectors [are required to] have relevant transportation experience and other security and inspection qualifications.”³

Fourth, FSDs have tasked TSIs with non-surface-related tasks. In several cities, FSDs have tasked TSIs with airport assignments, such as handing out plastic bags at the security checkpoints or monitoring the checkpoint exit lane. While FSDs have the authority to reassign all of their assets during periods of heightened alert or increased threat, there is no indication that these taskings

³ Public Law 110-53 section 1304(d)

took place during such a time. Rather, most of the non-surface-related tasks seemed to have stemmed from manpower issues at the airport. TSIs reported that these activities lowered morale, affected their relationship with their FSD, and ultimately served as a poor use of their expertise. These activities also illustrate the airport focus of the FSD.

STSIP headquarters officials informally communicate priorities to the AFSD–Surface, with little notification or engagement on the part of FSDs. A majority of TSIs are not actually reporting to their current supervisor, the AFSD–Inspections, but instead look to their previous supervisor, an AFSD–Surface, for direction. As one AFSD–Surface said, “The only thing [the AFSD–Inspections] is doing now is signing their timecards.”

Although TSIs are able to complete assigned tasks while officially reporting to the FSDs, the structural, morale, and hiring problems that we observed are detrimental to the STSIP. Only 4% of TSIs and only 1 of the 11 AFSDs–Surface preferred to retain the current chain of command. Despite TSIs’ concerns about their chain of command and management of the program, TSA headquarters officials said that the existing system is adequate.

Recommendations

We recommend that the Administrator of the Transportation Security Administration:

Recommendation #3 (revised): Eliminate practices that undermine efforts to establish a more transparent chain of command. Instruct the STSIP office to direct new policies and actions to FSDs for implementation and require FSDs to solicit comments from AFSDs prior to hiring surface inspectors.

Management Comments and OIG Analysis

TSA’s Comments to Recommendation #3:

TSA did not concur with our original recommendation to place the Transportation Security Inspectors–Surface under the direct authority of a TSA headquarters official who is responsible for surface transportation, such as the Office of Security Operations’

Assistant General Manager for Compliance. TSA stated that it has chosen its command structure because FSDs are better able to use the security network in the area. TSA noted that FSDs frequently interact with state and local law enforcement and mass transit operators. TSA believes that FSDs understand the vulnerabilities and challenges of the mass transit modes “in their backyard.”

TSA stated that the OIG relied largely on data collected during a prior audit. TSA believes that its reporting lines are clear and are described in Operational Directive 400-54-3. The STSIP informs FSDs of TSI priorities via written directives and communications distributed electronically through the Office of Security Operations’ Leveraging Information, Networks, and Communication system. The STSIP also provides FSDs with weekly written reports on key activities. AFSDs—Surface participate in a weekly national conference call hosted by the STSIP, and AFSDs and local lead TSIs are required to attend FSD meetings and routinely report STSIP activities to FSDs.

OIG Analysis: This review was distinct from our inspection and report, *Transportation Security Administration’s Administration and Coordination of Mass Transit Security Programs*. That review covered June to October 2007. The period for this review was February to July 2008 and consisted of completely new interviews and site visits. We referenced one statement from the previous review—only 4% of TSIs preferred to retain the current chain of command.

Our June 2008 report, “TSA’s Administration and Coordination of Mass Transit Security Programs,” recommended that TSA should return the TSIs to the direct authority of a TSA headquarters official who is responsible for surface transportation. TSA did not concur with the recommendation, which was unresolved at the start of this review. We reexamined the issue during this review and again recommended in our draft report that TSA return the TSIs to the direct authority of a headquarters official who is responsible for surface transportation. Despite our new analysis and updated reporting of this issue, TSA reiterated its position that the present TSI command structure does not inhibit TSI effectiveness.

The STSIP chain of command still operates differently than described in Operational Directive 400-54-3. For example, the directive does not mention the program’s weekly national conference call, yet this is an essential part of the TSI command

structure. AFSDs–Surface and local lead TSIs are tasked directly from the STSIP through the weekly national call and by the FSDs. TSA acknowledged that AFSDs–Surface participate in the STSIP office’s conference call and must inform FSDs within their respective regions of new or changing processes in STSIP programs. The confluence of communication occurring between headquarters and field personnel during such calls speaks to the very heart of the issue.

We also reported several problems regarding FSDs involvement with the STSIP that have led to tension and confusion regarding the program’s chain of command. The FSD position is primarily focused on aviation security, and FSDs generally have minimal surface transportation background, both of which limit FSDs’ ability to engage the surface modes. In addition, FSDs have hired people for senior TSI positions who do not have surface experience and have tasked TSIs with non-surface-related tasks.

We again sought to convince TSA to place TSIs under the direct authority of a TSA headquarters official responsible for surface transportation. However, in the absence of a commitment from TSA management to modify its command structure, we have retracted our original recommendation and instead are recommending that TSA eliminate practices that undermine efforts to establish a more transparent chain of command. In both the exit conference and its response, TSA signaled that it is trying to strengthen communication between headquarters and TSIs. In its action plan, TSA should describe how it is improving FSD involvement in the STSIP.

This recommendation is Resolved – Open.

Appendix A

Purpose, Scope, and Methodology

As directed by the *9/11 Commission Act*, we evaluated the performance and effectiveness of TSA’s Transportation Security Inspectors–Surface and whether there is a need for additional inspectors. The act states:

“Not later than September 30, 2008, the Department of Homeland Security Inspector General shall transmit a report to the appropriate congressional committees on the performance and effectiveness of surface transportation security inspectors, whether there is a need for additional inspectors, and other recommendations.”

We conducted our fieldwork from February to July 2008. We interviewed representatives from TSA’s Office of Transportation Sector Network Management, Office of Law Enforcement, Office of Field Operations, and Transportation Security Operations Center. We spoke with all 11 AFSD–Surface, 6 FSDs, 2 AFSD–Inspections, and several TSIs. We also spoke with officials and inspectors from the U.S. Coast Guard and the Department of Transportation’s Federal Railroad Administration, Federal Transit Administration, Pipeline and Hazardous Material Safety Administration, and Federal Motor Carrier Safety Administration.

In addition to testimonial evidence from interviews, we examined:

- Laws, regulations and security directives relevant to surface transportation, and federal authorities and responsibilities;
- Memorandums and directives documenting reorganizations and personnel changes within TSA;
- Documentation on the VIPR program;
- Sample BASE reviews, SAI reviews, and station profiles;
- Sample weekly status reports and monthly performance reports on the activities of TSIs; and
- TSI personnel files.

We also observed:

- TSIs conducting a BASE review;
- TSIs conducting an SAI review; and
- TSIs participating in a VIPR exercise.

This review was conducted under the authority of the *Inspector General Act of 1978*, as amended, and according to the Quality Standards for Inspections, issued by the President’s Council of Integrity and Efficiency.

Appendix B Management Comments to the Draft Report

Office of the Assistant Secretary

U.S. Department of Homeland Security
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Arlington, VA 22202-4220

NOV 04 2008



Transportation
Security
Administration

INFORMATION

MEMORANDUM FOR: Richard L. Skinner
Inspector General
U.S. Department of Homeland Security (DHS)

FROM: Kip Hawley *K.H.*
Assistant Secretary

SUBJECT: Transportation Security Administration (TSA) Response to the
DHS Office of the Inspector General's Draft Report: *Effectiveness
of TSA's Surface Transportation Security Inspectors*, September
2008

Purpose

This memorandum constitutes the response by TSA to the DHS Office of Inspector General's (OIG) Draft Report, *Effectiveness of TSA's Surface Transportation Security Inspectors*. TSA appreciates OIG's effort in this inspection and will use the findings and recommendations to continue to improve the Surface Transportation Security Inspection Program.

Background

In accordance with its congressional mandate, OIG reviewed the effectiveness of the Surface Transportation Security Inspection Program (STSIP) by examining STSIP staffing levels and reviewing operational control of TSA Surface Inspectors. OIG conducted fieldwork from February 2008 through July 2008. The inspectors interviewed representatives from TSA's Office of Security Operations (OSO), Office of Transportation Security Network Management (TSNM), and Office of Law Enforcement-Federal Air Marshal Service (OLE-FAMS). OIG inspectors also interviewed TSA field officials including Federal Security Directors (FSDs), Assistant Federal Security Directors (AFSDs), and Transportation Security Inspectors (TSI)-Surface. Throughout the course of this inspection, OIG collected documentation, including directives, memoranda, and personnel files, and reviewed applicable laws and regulations.

As a result of this inspection, OIG made the following conclusions and recommendations:

- The current reporting structure for the Surface Inspection program inhibits TSI's effectiveness and would be improved if TSA returned operational control of the Surface Inspectors to Headquarters.

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- The Surface Inspection program is understaffed, and TSA field offices should have more than two inspectors.
- TSA should assess how TSIs can be better used in Visible Intermodal Prevention and Response (VIPR) activities and explore the inclusion of inspection activities in VIPR operations.

It is noted that OIG previously examined these issues as part of its report titled *Transportation Security Administration's Administration and Coordination of Mass Transit Security Programs* (OIG-08-66, June 2008).

Discussion

TSA does not agree that the present TSI command structure inhibits TSI effectiveness. While the OSO Office of Compliance at TSA Headquarters oversees the STSIP, TSIs report directly to designated FSDs in the field. TSA has chosen this command structure because FSDs are best equipped to make full use of the security network in their geographic location. For example, FSDs frequently interact with State and local law enforcement and mass transit operators. As a result of this interaction, FSDs understand the vulnerabilities and challenges of the mass transit modes in their backyard. TSA has adopted this network model in all modes of transportation, including its inspection divisions in aviation and cargo. This approach recognizes the need for localized strategies to enhance prevention, detection, response, and recovery efforts that are based on accurate and thorough domain awareness and strong professional networks with local security officials.

In conducting its current inspection into the effectiveness of TSA's TSIs-Surface, it is clear that OIG relied largely on data collected during a prior audit and presented in its report entitled *Transportation Security Administration's Administration and Coordination of Mass Transit Security Programs* (OIG-08-66). OIG may not have been aware of and did not consider recent changes and actions by TSA that address their concerns.

For example, in April 2008, OSO issued Operational Directive (OD) 400-54-3, which provided guidance and clarification with regard to the reporting lines of TSIs. The OD stated the following:

- At locations where there is an AFSD-Surface assigned, TSIs report directly to the AFSD-Surface, and the AFSD-Surface reports to the local FSD.
- At locations where there is no AFSD-Surface, TSIs report directly to the FSD at that location via the AFSD-Inspections.

The OD further explains that the role of the AFSD-Surface is to serve as a subject-matter expert to FSDs on surface transportation issues, and as a mentor to FSDs, AFSD-Inspections, and TSIs within a multi-State region. The AFSD-Surface is responsible for advising FSDs within their region on the STSIP work plans, goals, and objectives and serves as a training resource for TSIs.

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At the same time, TSA Headquarters, through the STSIP Office, keeps FSDs aware of national initiatives and priorities through routine e-mail communications. FSDs also receive a written report issued weekly by the STSIP office that describes key activities and programs. AFSDs-Surface participate in weekly or bi-weekly national conference calls hosted by the STSIP office and inform FSDs within their respective regions of new or changing processes in STSIP programs. Additionally, AFSDs-Surface and local lead TSIs are required to attend FSD meetings and routinely report STSIP activities to FSDs.

TSA understands that some FSDs come from an aviation background and do not have extensive expertise in surface security. Therefore, the STSIP office has also developed executive training on rail security for FSDs that is held periodically at the Technology Training Center in Pueblo, CO.

Surface Inspector Field Office Staffing Levels: OIG concludes that TSA has dispersed new TSIs into 34 additional field offices that, it contends, will be inadequately staffed to carry out the current assessment duties or future compliance duties. TSA's strategy for TSI deployment is to place them in locations where there is both a need for surface inspection and a lack of existing TSI staff. TSA stresses mobility and flexibility with the TSI workforce. Should a TSI be unavailable, inspectors from other offices are often able to fill in to meet the need. Additionally, TSA has cross-trained more than 200 TSI-Aviation and Cargo Inspectors in surface mode safety and operations so that, in the event of emergency, these TSIs can augment TSI-Surface as needed. As staffing levels increase, deployments of new personnel will expand the capabilities and efficiency of the existing offices in the surface inspector network.

Integration of TSIs-Surface into VIPR Operations: TSA recognizes the importance of integrating the TSIs and their unique expertise in mass transit and rail into VIPR operations. TSIs routinely engage with their mass transit and rail counterparts when conducting Baseline Assessment for Security Enhancement (BASE) reviews in mass transit and passenger rail and Security Action Item (SAI) reviews in freight rail. TSIs enhance the effectiveness of VIPR deployments by sharing their expertise in local transit system security issues during VIPR planning and deployment. TSA has addressed the potential role of TSIs in the *VIPR Team Capabilities and Operational Deployment* guide, which assists mass transit and passenger rail security officials as well as FSDs and FAM Special Agents in Charge (SACs) in the collaborative planning and coordination process for VIPR operations. The skills that TSIs bring to a VIPR deployment include:

- Supervision of non-law enforcement participants in the deployment.
- Advance coordination and planning with transit agencies prior to a VIPR deployment.
- Observation and reporting of, and assistance in correcting, security vulnerabilities, and gaps.
- Collaborative efforts with transit and rail system officials to enhance the security baseline of their systems.

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- Training of VIPR team members in proactive, visible security activities for deterrent effect.
- Support of training of VIPR team members regarding safety and security requirements for the mass transit or passenger rail system in which they are to deploy.
- Random visible presence and overt security activities for deterrent effect, and engagement in activities that demonstrate active security measures with no discernible pattern.
- Providing of domain awareness training to stakeholder and frontline employees.

TSA is concerned by OIG's recommendation that comprehensive inspection activities, such as BASE and SAI reviews, be part of VIPR operations. TSA does not agree that these thorough inspection activities or regulatory inspections should be integrated into VIPR deployments. VIPRs are intended to supplement existing security activities at a mass transit or passenger rail agency by randomly and unpredictably integrating TSA's capabilities for an added deterrent effect. Linking VIPR operations and assessments would detract from the clarity of the VIPR mission and would fundamentally alter the nature of these operations.

TSA's specific response to each of OIG's recommendations is attached.

Attachment

Appendix B

Management Comments to the Draft Report

Transportation Security Administration (TSA) Response to Office of the Inspector General (OIG) Draft Report, *Effectiveness of TSA's Surface Transportation Security Inspectors*, September 2008

TSA generally concurs with and has already taken steps to address several of OIG's recommendations. TSA's specific responses to the recommendations contained in this report are:

Recommendation 1: Assess how Visible Intermodal Prevention and Response (VIPR) exercises can better use Transportation Security Inspectors (TSI) resources and inspection initiatives, then develop and execute a plan to conduct VIPR exercises that integrate inspection activities.

TSA Partially Concurs: TSA recognizes the importance of integrating the TSIs and their unique expertise in mass transit and rail into VIPR operations. TSIs routinely engage with their mass transit and rail counterparts when conducting Baseline Assessment for Security Enhancement (BASE) reviews in mass transit and passenger rail and Security Action Item (SAI) reviews in freight rail. TSIs enhance the effectiveness of VIPR deployments by sharing their expertise in local transit system security issues during VIPR planning and deployment. TSA has addressed the potential role of TSIs in the *VIPR Team Capabilities and Operational Deployment* guide, which assists mass transit and passenger rail security officials as well as FSDs and FAM SACs in the collaborative planning and coordination process for VIPR operations.

TSA agrees that TSI expertise should be used during VIPR planning and deployment. Prior to a VIPR operation, TSIs should brief other VIPR team members on security vulnerabilities that they have identified during the BASE and SAI reviews and interact with mass transit and rail personnel. TSA does not concur with the recommendation that TSIs' comprehensive inspection be integrated into VIPR operations. Doing so would fundamentally alter the nature and meaning of these operations. VIPRs are intended to supplement existing security activities at a mass transit or passenger rail agency by randomly and unpredictably integrating TSA's capabilities for an added deterrent effect.

Recommendation 2: Determine how many inspectors are needed to perform necessary functions by assessing current and future duties, then expand TSI workforce to ensure that each field office has sufficient staffing.

TSA Concurs: TSA has already developed and implemented a prudent, risk-based approach that has produced a flexible, mobile force, affording the Agency the ability to maximize TSI coverage around the country while supplementing many FSD staffs that have no surface inspectors. By deploying inspectors to new locations, TSA is crafting a surface security inspection and support network that is better able to respond to local and regional surface incidents and increased assessment work throughout additional cities and regions. Assigning a minimum of two inspectors per office ensures the capability to meet security assessment, inspection, and support demands while maintaining operational safety.

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Recommendation 3: Place the Transportation Security Inspectors-Surface under the direct authority of a TSA headquarters official such as the Office of Security Operations' Assistant General Manager for Compliance.

TSA Does Not Concur: As stated in TSA's response to the DHS OIG report titled *Transportation Security Administration's Administration and Coordination of Mass Transit Security Programs* and as described in this response, TSA does not agree that the present TSI command structure inhibits TSI effectiveness. The reporting line of all TSIs in field assignments is to designated FSDs who report to the General Manager for Field Operations, Office of Security Operations (OSO). The FSDs are the operational field component of OSO and are charged with the implementation of all field operational activities. TSA has chosen this command structure because FSDs are better equipped to use the security network in their area. FSDs frequently interact with State and local law enforcement and mass transit operators. They understand the vulnerabilities and challenges of the mass transit modes in their backyard. TSA has adopted this network decision-making model in all modes of transportation, including its other inspection divisions in aviation and cargo. This approach recognizes the need for regional and localized strategies to enhance prevention, detection, response, and recovery efforts based on accurate and thorough domain awareness, strong professional networks and relationships with local security officials, and consistent and clear reporting lines to the local FSD.

OSO's Office of Compliance oversees the Surface Transportation Security Inspection Program (STSIP) and directs the work plan, training, and other aspects of field inspector activity. The STSIP office informs FSDs of TSI priorities and programs in several ways, including dissemination of an annual work plan written by the STSIP in close coordination with Office of Transportation Security Network Management, and via written directives and communications distributed through the OSO Leveraging Information, Networks, and Communications (LINC) system (formerly Net Hub). Additionally, FSDs are kept informed of key activities and programs of the TSIs nationally by a written report issued weekly by the STSIP office. AFSDs-Surface participate in weekly or bi-weekly national conference calls hosted by the STSIP office and inform FSDs within their respective regions of new processes in STSIP programs. AFSDs-Surface and local lead TSIs are required to attend FSD meetings and routinely report STSIP activities to FSDs. In summary, the reporting lines are clear, as detailed in Operational Directive 400-54-3 and published specifically for this purpose, and the flow of information from Headquarters to FSDs is efficient and comprehensive on the priority activities of TSIs-Surface in security inspections, assessments, and support.

Appendix C

Freight Rail Security Action Items

Department of Homeland Security and the Department of Transportation Freight Rail Security Action Items

System Security Practices Affecting the Transportation of TIH Materials

1. Designate an individual with overall responsibility for hazardous materials transportation security planning, training, and implementation. This individual should report directly to an executive officer of the company. Designate an individual with overall responsibility for security planning and countermeasure implementation for company-designated critical infrastructure.
2. Conduct exercises, at least annually, to verify the effectiveness of security plan(s).
3. Develop and conduct an internal or external company audit program to independently verify that the security plan is being implemented effectively. The audit process should include a policy for record keeping of the audit and a method for management review and performance measurement.
4. Identify and then annually review company-designated critical infrastructure. Ensure that changes or additions to the operating environment have been properly addressed.
5. Maintain a communications network to receive timely government notices of current threat conditions and available intelligence information. Adjust security measures as necessary to reflect current threats and vulnerabilities based on available information.
6. Make use of opportunities to establish liaison and regular communication with federal, state, and local law enforcement, emergency responders, security agencies, and industry partners. Strive to make local law enforcement aware of railroad security issues.
7. Establish liaison and collaboration with other railroad security offices to promote information sharing and security enhancements.
8. As with industry safety programs, regularly reinforce security awareness and operational security concepts to all employees at all levels of the organization.
9. Reinforce the need for employees to immediately report to the proper authorities all suspicious persons, activities, or objects encountered.
10. Have contingency plans in place to supplement company security personnel to protect company-designated critical infrastructure as threat conditions warrant, such as contracts to engage private security guard providers or procedures to request supplemental physical security assistance of federal, state, local, and tribal authorities.
11. Restrict access to information controlled by the railroad that it determines to be sensitive, in particular information about hazardous materials shipments and security measures.
12. Make available emergency response planning materials and, when requested, work with local communities to facilitate their training and preparation to deploy and respond to an emergency or security incident.
13. Cooperatively work with federal, state, local, and tribal governments to identify, through risk assessments, the locations where security risks are highest. Cooperatively work with federal, state, local, and tribal governments to identify and implement protective measures at these locations.

Access Control Security Practices

Appendix C

Freight Rail Security Action Items

14. Focus proactive community safety and security outreach and trespasser abatement programs in areas adjacent to company-designated critical infrastructure to reduce the likelihood of unauthorized individuals on company property and to enhance public awareness of the importance of reporting suspicious activity.
15. To the extent feasible and practicable, use photo identification procedures for company-designated critical infrastructure. Establish procedures for background checks and safety and security training for contractor employees with unmonitored access to company-designated critical infrastructure.
16. To the extent feasible and practicable, and as threat conditions warrant, restrict the access of contractors and visitors at nonpublic areas of company-designated critical infrastructure, and monitor the activities of visitors in or around such infrastructure.
17. Establish employee identification measures for all employees. Conduct spot checks of identification as threat conditions warrant.
18. Implement measures to deter unauthorized entry and increase the probability of detection at company-designated critical infrastructure as threat conditions warrant. To the extent that patrols are used, vary the pattern and schedule to avoid predictability.
19. Use interlocking signals and/or operating rules to prevent trains from occupying moveable bridges until the bridges are locked in place.

En-Route Security Practices

20. Maintain systems to locate rail cars transporting TIH materials in a timely manner to implement security measures when necessary and provide information on the location of rail cars carrying TIH materials to Department of Homeland Security (DHS) and Department of Transportation (DOT), as requested, in case of events of national significance.
21. During required on-ground safety inspections of cars containing TIH materials, inspect for any apparent signs of tampering, sabotage, attached explosives, and other suggested items. Train employees to recognize suspicious activity and report security concerns found during inspections.
22. Provide local authorities with information on the hazardous materials transported through their communities consistent with Association of American Railroads (AAR) Circular OT-55.
23. Consider alternative routes when they are economically practicable and result in reduced overall safety and security risks. Work with the DHS and DOT in developing better software tools to analyze routes.
24. In rail yards, to the extent feasible, place cars containing TIH materials where the most practical protection can be provided against tampering and outside interference when appropriate for the threat level in the geographic area, in accordance with the AAR Security Management Plan.

Supplemental Security Action Item No. 1

Rail carriers with operations in High Threat Urban Areas (HTUA) will develop site-specific security plans that address the security of the transportation in bulk of TIH material in loaded rail cars (“TIH cars”) in HTUA. The site-specific security plan should include specific and detailed measures to enhance the security of TIH cars in the carrier’s custody. These plans should be completed within 90 days of the issuance date of the guidelines.

Appendix C

Freight Rail Security Action Items

The site-security plan will address the following objectives for railroad operations within HTUA:

1. Reduce the number of hours that TIH cars are held in yards, terminals, and on railroad-controlled leased track in HTUA.
2. Minimize the occurrence of unattended TIH cars in HTUA.
3. Reduce potential exposure to surrounding people, property and environment in HTUA. Special emphasis should be placed on reducing potential exposure to hospitals, high-occupancy buildings, schools, and public venues.
4. Reduce the occurrence of standing TIH trains in HTUA.
5. Provide a procedure for the protection or surveillance of unattended TIH trains in HTUA
6. Ensure compliance with CFR 49 Part 174.14 (48-hour rule).
7. Develop site-specific procedures for the positive and secure handoff of TIH cars at points of origin, destination, and interchange in HTUA.

Supplemental Security Action Item No. 2

Rail carriers will not operate trains carrying TIH within a specified distance of public venues with National Special Security Events in progress and as requested by the appropriate agency responsible for overall event security coordination.

Supplemental Security Action Item No. 3

Rail carriers will, in the security planning process, identify and select areas throughout the carrier's system where cars containing TIH can be moved and held when threat conditions warrant. Risk and exposure to the general public are factors to be considered in the selection process. The rail carrier will provide this information to the government upon request.

Appendix D
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Appendix E
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