America at Risk:

Closing the Public Transportation Security Gap

May 2004

Prepared by the Democratic Members of the
House Select Committee on Homeland Security
Jim Turner, Ranking Member

America at Risk:
Closing the Public Transportation Security Gap

Prepared by the Democratic Members of the
House Select Committee on Homeland Security
Jim Turner, Ranking Member

228 Adams Building
101 Independence Avenue, SE
Washington, DC 20540
202-226-2616
http://www.house.gov/hsc/democrats/

DEMOCRATIC MEMBERS OF THE HOUSE SELECT COMMITTEE ON HOMELAND SECURITY

Jim Turner, Texas
Ranking Member

Bennie G. Thompson, Mississippi
Ranking Member, Subcommittee on Emergency Preparedness and Response

Loretta T. Sanchez, California
Ranking Member, Subcommittee on Infrastructure and Border Security

Louise M. Slaughter, New York
Ranking Member, Subcommittee on Rules

Zoe Lofgren, California
Ranking Member, Subcommittee on Cybersecurity, Science, and Research & Development

Karen McCarthy, Missouri
Ranking Member, Subcommittee on Intelligence and Counterterrorism

Edward J. Markey, Massachusetts

Norman D. Dicks, Washington

Barney Frank, Massachusetts

Jane Harman, California

Benjamin L. Cardin, Maryland

Peter A. DeFazio, Oregon

Nita M. Lowey, New York

Robert E. Andrews, New Jersey

Eleanor Holmes Norton, District of Columbia

Sheila Jackson-Lee, Texas

Bill Pascrell, Jr., New Jersey

Donna M. Christensen, U.S. Virgin Islands

Bob Etheridge, North Carolina

Ken Lucas, Kentucky

James R. Langevin, Rhode Island

Kendrick B. Meek, Florida

Ben Chandler, Kentucky

Table of Contents

~

Introduction…….……..1

Greater Federal Support For Passenger Rail And Public Transit Security Is Urgently Needed …..2

Select Committee on Homeland Security Surveys of Five Large Public Transportation Authorities.....3

The Administration Has Done Too Little Since the Attacks Of 9/11 to Protect Passenger Rail and Public Transit ……..…….....4

The Administration's Initiatives Following the Madrid Attacks Fall Far Short Of What Is Needed 6

The Administration Lacks A Coherent Strategy For Securing Passenger Rail And Public Transit ……..7

Roles and Responsibilities Between The Department Of Homeland Security And Department Of Transportation Are Unclear ……8

Securing Passenger Rail and Public Transit

On March 11, 2004, an al Qaeda bombing of commuter trains in Madrid, Spain killed 200 people and wounded more than 1,500 others.[1] Even a minor fire incident in Washington, D.C.'s Metrorail system in March, 2004, which closed critical parts of the subway, forced thousands of passengers onto the streets, closed major traffic arteries, and had large-scale disruptive effects on traffic throughout the city,[2] gave us a glimpse of the potential for disruption to our passenger rail and public transit systems.[3] A failure to invest in the security of passenger rail and public transit could result in serious casualties and leave the critical transportation systems upon which millions of American's rely every day vulnerable to terrorist attack. Making these systems as prepared as they can be against terrorist attacks must be among the highest priorities for the Department of Homeland Security (DHS).

Although a terrorist attack similar to the Madrid bombings or the frequent bus bombings in Israel has yet to occur in the United States, the threat is real and chances of an attack succeeding are high. Fully one-third of terrorist attacks worldwide target transportation systems, and public transit is the most frequent target.[4] Between 1997 and 2000, more than 195 terrorist attacks occurred against surface transportation systems worldwide.[5] Analyses of nearly 1,000 terrorist incidents of all kinds indicate that attacks on transportation were among the most likely to result in deaths.[6] Since the attacks of September 11, 2001, the U.S. Department of Transportation (DOT) and the Federal Bureau of Investigation have warned transit and other railroad systems of possible terrorist strikes. In April, 2003, such warnings were validated when it was revealed that Khalid Sheik Muhammed, one of Osama bin Laden's chief lieutenants, told his interrogators that al Qaeda had plans to attack the metro system in Washington, D.C.[7]

The United States is particularly vulnerable to attacks on passenger rail and public transit because of the inherent openness of such systems, their number and geographic dispersion, the volume of passengers that they carry, and the dense concentration of high-ridership systems within certain regions of the United States, like the Northeast corridor between Washington, D.C. and Boston, Massachusetts. There are over 140,000 miles of train routes in the U.S., 22,000 of which are used by Amtrak in 46 states and the District of Columbia. There are more than 500 Amtrak stations, and 500 major urban transit operators. More than nine billion passenger trips are taken on U.S. mass transit systems every year.[8] In fiscal year 2003, Amtrak served 24 million

---

[1] Rotella, Sebastian, "Ties Run Deep in Probe of Spain Blast," *Los Angeles Times*, March 21, 2004, A1.
[2] Layton, Linda, "Metro Commuters Take to the Streets," *The Washington Post*, March 19, 2004, A1.
[3] For purposes of this report, the terms "passenger rail and public transit" and "public transportation systems" include heavy rail (including Amtrak), medium and light rail (including subways), buses, (both transit and intercity motor coach), and ferry boats.
[4] Congressional Research Service, "Transit Security," memo to Homeland Security Committee Democratic staff, August 28, 2003.
[5] U. S. General Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-843, (Washington, D.C.: GAO, June 2003), 7.
[6] Brian, Michael Jenkins, "Terrorism and the Security of Public Transportation," testimony presented to the Senate Committee on the Judiciary, RAND Corporation, April 8, 2004.
[7] Gertz, Bill, "Terrorists Said to Seek Entry to U.S., via Mexico," *The Washington Times*, April 07, 2003, A1.
[8] American Public Transportation Association, "Transit Ridership Report: Fourth Quarter 2002," April 24, 2003.

passengers, or more than 64,000 per day.[9] Commuter rail operations add 1.2 million passenger trips each workday.[10] Five times as many Americans travel on trains and transit each day compared to those who travel on planes.[11]

Protecting passenger rail and public transit is highly complex. The size and diversity of transportation modes create security challenges, making it impossible to protect all assets equally. In addition, the large number of stakeholders—twenty federal entities, state and local entities and the private sector—and financial constraints pose a significant challenge. Ridership fees typically cover less than half of transit authorities' operating budgets, so there is little, if any, room for discretionary spending on security.[12]

SECURITY GAP: Greater Federal Support For Passenger Rail And Public Transit Security Is Urgently Needed

Surveys and interviews by the General Accounting Office (GAO) of transit officials nationwide indicate that "insufficient funding is the most significant challenge in making their transit systems as safe and secure as possible."[13] In fact, survey respondents were more than 2.5 times more likely to cite insufficient funding as the main impediment to security relative to any other factors.[14] From September 11, 2001 until the end of 2003, U.S. transit agencies spent $1.7 billion for security functions.[15] The American Public Transportation Association (APTA) estimates that the actual need for security improvements in that timeframe was $3 billion, or nearly twice as high as the amount spent. This indicates a $1.3 billion shortfall that was unaddressed due to a lack of funds.[16] APTA estimates that transit agencies nationwide have long-term security needs of $6 billion "to complete [their] capital program to maintain, modernize, and expand [their] security function."[17] Assuming a funding gap of 43% similar to that estimated by APTA from September 11, 2001 through 2003, the implied national funding shortfall faced by transit agencies going forward is $2.6 billion.

---

[9] Edward Wytkind, President, Transportation and Trades Department, AFL-CIO, "Statement Before the House Committee on Transportation and Infrastructure, Subcommittee in Railroads," May 5, 2004.
[10] Edward Wytkind, President, Transportation and Trades Department, AFL-CIO, "Statement Before the House Committee on Transportation and Infrastructure, Subcommittee in Railroads," May 5, 2004.
[11] Amanda Ripley, "America's Risky Rails: Why the government is investing so much in airline security while leaving trains vulnerable," *Time*, March 22, 2004.
[12] United States General Accounting Office, *Surface and Maritime Transportation, Developing Strategies for Enhancing Mobility: A National Challenge*, GAO-02-775, (Washington, D.C.: GAO, August 2002), 8.
[13] U. S. General Accounting Office, *Mass Transit: Federal Action Could Help Transit Agencies Address Security Challenges*, GAO-03-263, (Washington, D.C.: GAO, December 2002), 2.
[14] U. S. General Accounting Office, *Mass Transit: Federal Action Could Help Transit Agencies Address Security Challenges*, GAO-03-263, (Washington, D.C.: GAO, December 2002), 12.
[15] American Public Transportation Association, "Survey of United States Transit System Security Needs and Funding Priorities, Summary of Findings," April, 2004. $1.3 billion for operating expenditures and $400 million for capital expenditures.
[16] American Public Transportation Association, "Survey of United States Transit System Security Needs and Funding Priorities, Summary of Findings," April, 2004. $350 million for operating expenditures and $950 million for capital expenditures.
[17] American Public Transportation Association, "Survey of United States Transit System Security Needs and Funding Priorities, Summary of Findings," April, 2004.

GAO surveyed public transit authorities in eight large cities and found that, combined, those cities have a pressing and unmet security need of $711 million.[18] Surveys by Homeland Security Committee minority staff of public transit authorities in five large cities found a combined pressing and unmet security need in those cities of $523 million.[19]

For passenger trains, Amtrak estimates its immediate security and tunnel-related safety needs over the next three years at $235 million. This includes $110 million to enhance prevention and preparedness and an additional $125 million for "life safety" improvements to increase survivability within tunnels, cars, and stairwells in the event of a terrorist incident.[20]

Using the public transit numbers from GAO and the survey by the minority staff of the Homeland Security Committee to estimate the unmet national public transit need,[21] and adding that number to Amtrak's estimates for passenger rail, indicates an unmet security need for passenger rail and public transportation nationally of approximately $1.8-$2.9 billion. Combining the APTA transit security shortfall estimate with the Amtrak estimate indicates a national funding shortfall of approximately $2.8 billion.

Select Committee on Homeland Security Surveys of Five Large Public Transportation Authorities[22]

Homeland Security Committee minority staff conducted surveys and interviews with five large transit authorities from across the United States that accounted for 15-20% of total passenger trips in the United States annually.

When asked about the sustainability of security measures taken to date in light of expected budgets and available federal support, the transit authorities surveyed expressed serious concerns:

> "Our budget is severely constrained when it comes to finding additional resources for security, given our overall current fiscal picture… After Madrid, we [had to] shift some funds from our capital program (also suffering a major shortfall) to allow our police department to purchase explosive ordinance detection equipment, but we don't have the flexibility to address other high priority and more costly needs."
>
> "If other funds were available, [we] need more people, need equipment that first responders are looking for (suits, EMS, etc.), [and better] communications systems [because the] current system is archaic – [we] can't talk to each other [and are] looking for replacement parts at yard sales."

---

[18] U. S. General Accounting Office, *Mass Transit: Federal Action Could Help Transit Agencies Address Security Challenges*, GAO-03-263, (Washington, D.C.: GAO, December 2002), 2.

[19] House Select Committee on Homeland Security, Survey of Selected Mass Transit Authorities, April, 2004.

[20] American Public Transportation Association, "Survey of United States Transit System Security Needs and Funding Priorities, Summary of Findings," April, 2004.

[21] A national estimate for unmet public-transit security need was derived by calculating average security cost per trip for reported cities and expanding it nationally based on total passenger trips for the entire U.S. Passenger trip data from the Federal Transit Authority's 2002 National Transit Database.

[22] House Select Committee on Homeland Security, survey of selected mass transit authorities, April, 2004. Surveys were obtained with an agreement for non-attribution.

"Much of the money to cover our increased preparedness has come totally from local funds."

"No, [security measures that we've undertaken are not sustainable]. Additional federal support will be required in order to complete several critical target hardening projects and pay for police and personnel overtime during elevated alert levels."

"Current DHS support for transit systems is both a problem of magnitude and flexibility in terms of the use of funds. Not enough funds and flexibility has been provided to address already identified vulnerabilities in high threat areas, such as capital intensive infrastructure needs of larger systems. Funds are not reaching smaller systems to ensure that they are able to meet a basic standard of preparedness."

"Local funds to support [overtime] are limited. Federal support to recover such costs would be necessary to sustain an extended increased threat level."

When asked to identify their priority needs for greater investments in security, there was common agreement on the goals of deterring and preventing attacks, assisting in detection and diagnosis, improving the ability to respond, and mitigating casualties and disruptions through design and preparedness. In particular, all or nearly all of the organizations with whom minority staff members spoke expressed a need to increase investments in:

- cameras and other surveillance equipment;
- improved and interoperable communications systems;
- command and control systems and tools and redundancy of such systems;
- training, technical support and exercises on prevention, emergency response, decontamination;
- explosive and WMD detection and countermeasures;
- capital improvements and operating activities to increase the physical security of stations, vehicles, bridges, and tunnels;
- capital improvements and operating activities to improve survivability in the event of a terrorist event attack, including improvements in ventilation, drainage, fire safety, emergency communications, lighting, passenger egress, and accessibility by emergency response personnel; and
- awareness, education, and outreach campaigns for both the general public and for passengers and employees of public transportation systems.

SECURITY GAP: The Administration Has Done Too Little Since the Attacks Of 9/11 to Protect Public Transportation

Since 9/11, the Department of Transportation, state and local officials, and providers of public transport systems have taken some modest steps to improve public transportation security. DOT's Federal Transit Administration (FTA) has provided grants for emergency drills and conducted security assessments at the largest transit agencies. DOT's Federal Highway Administration (FHWA) coordinated workshops on emergency response and preparedness for state departments of transportation. State and local officials and first responders have deployed

additional law enforcement personnel and participated in emergency drills. Many system operators have conducted risk and security assessments, undertaken emergency drills, and developed security plans. Among public transit authorities nationwide, 74% have augmented security measures that were in place prior to September 11, 2001, and 88% have adopted new security measures.

At the Department of Homeland Security—which, under Homeland Security Presidential Directive 7 has the lead role in securing all forms of transport[23]—public transportation security efforts have been meager. Within the Transportation Security Administration (TSA), the security of public transportation systems has been, at best, an afterthought. The fiscal year 2005 budget request for anything other than aviation security within TSA accounts for less than three percent – or only $147 million – of TSA's total budget. Of that amount, there are no funds requested specifically for the security of public transportation systems. In fiscal year 2004, while TSA is spending $4.4 billion for aviation security, it is spending only $10 million on passenger rail or public transit security.[24] In 2003 and 2004, the Department—through its Urban Area Security Initiative (UASI) within the Office of Domestic Preparedness (ODP)—is providing only $115 million in grants to public transit systems for security upgrades, and most of the grants went to only five metropolitan areas.[25] The fiscal year 2005 budget request does not require that any UASI funds be dedicated to public transportation security. As Representative Harold Rogers, Chairman of the House Homeland Security Appropriations Subcommittee stated at a recent hearing regarding TSA's budget request for next fiscal year, "Congress did not form TSA to exclusively handle aviation security, but as an administration that oversees and enhances security for all modes of transportation. Your budget continues to marginalize these other efforts."[26]

Furthermore, there is little clear and consistent strategy for how DHS grants for public transportation security are given and for what activities. For example, DHS has not defined the goals and objectives of spending for the first responder preparedness programs also administered by ODP, nor has it identified the priority threats and vulnerabilities that these limited homeland security funds should address. UASI grants for public transportation security suffer from a similar lack of goals, priorities and objectives. According to ODP, public transportation recipients of UASI grants in fiscal year 2004 were simply "identified using a formula based upon ridership and total route miles,"[27] without due consideration of threats and vulnerabilities. Finally, DHS has developed no measures or metrics to determine the effectiveness of grant-supported public transportation security efforts.

---

[23] "The [DHS] Secretary shall coordinate protection activities for each of the following critical infrastructure sectors: information technology; telecommunications; chemical; transportation systems, including mass transit, aviation, maritime, ground/surface, and rail and pipeline systems; emergency services; and postal and shipping."

[24] Congressional Research Service, "TSA Appropriations," memo to Homeland Security Committee Democratic staff, November 4, 2003.

[25] Since fiscal year 2003, the Office for Domestic Preparedness (ODP) has provided a total of $115 million for Urban Transit System Security Grants, including $65 Million in fiscal year 2003; and $50 million in fiscal year 2004. Grants were provided to twenty Urban Transit Systems in FY 2003, and 25 Urban Transit Systems in FY 2004. Funds can be utilized for transit security planning, equipment, exercises, and training.

[26] Hearing of the House Appropriations Committee, Subcommittee on Homeland Security, "FY2005 Appropriations for the Transportation Security Administration," March 11, 2004.

[27] U.S. Department of Homeland Security, *Fiscal Year 2004 Urban Areas Security Initiative Grant Program: Program Guidelines and Application Kit*, December 15, 2003, Department of Homeland Security, 2.

SECURITY GAP: The Administration's Initiatives Following the Madrid Attacks Fall Far Short Of What Is Needed

On March 22, 2004, Secretary Ridge announced a series of rail and transit security initiatives.[28] While these initiatives are welcome, they do not come close to addressing the risks of terrorist attacks against America's critical passenger rail and public transit systems.

The key components of the initiatives announced on March 22, 2004 by DHS are a transit K-9 program, transit inspection pilots, assistance with public education and awareness, and research and development for biological, chemical and high explosives countermeasures. These initiatives provide no additional funds for passenger rail and transit security. The K-9 program is the only initiative with the possibility of near term benefits, and while helpful, it fails to address most of the security investments that both major transit authorities and Amtrak have identified as their most urgent needs. None of the other initiatives provide any additional protective measures right now. The pilot program for baggage screening addresses only a narrow slice of the transit and rail infrastructure,[29] and it will have no immediate benefit on security nationwide. Furthermore, while transit inspection pilots may yield some benefits, leading transportation experts warn that: "Surface transportation cannot be protected in the same way commercial aviation is protected. Nearly 60,000 screeners are needed to check the two million passengers who fly from U.S. airports daily. An equivalent nationwide screening system for the approximately 26 million passengers traveling on trains, subways, and buses on an average day would require hundreds of thousands of screeners and would cost tens of billions of dollars."[30]

For employee and public awareness campaigns, DHS is largely relying on industry and FTA efforts and will "create new programs" only "where necessary."[31] Finally, only a very small portion of the research and development funds cited will be used for rail and transit security and any benefits will not be seen before 2006.

SECURITY RECOMMENDATION

The Administration should create a $2.8 billion grant program for passenger rail and public transit security. Eligible investments should include priority projects that have been identified by public transportation authorities nationally, including 1) cameras and other surveillance equipment; 2) command, control, and interoperable communications systems; 3) training, technical support and exercises on prevention, emergency response, decontamination; 4) explosive and WMD detection and countermeasures; 5) capital improvements and operating activities to increase the security of stations, vehicles, bridges, and tunnels; 6) capital improvements and operating activities to improve survivability in the event of a

---

[28] DHS, "Rail and Transit Security Initiatives Fact Sheet," March 22, 2004.

[29] DHS, "Rail and Transit Security Initiatives Fact Sheet," March 22, 2004: "The initial program will be implemented at one station with commuter rail service in conjunction with Amtrak and the Federal Railroad Administration."

[30] Brian, Michael Jenkins, "Terrorism and the Security of Public Transportation," testimony presented to the Senate Committee on the Judiciary, RAND Corporation, April 8, 2004. See also, Homeland Security Secretary Tom Ridge as reported in Harrington, Caitlin, "Rail Security Pilot Program Arriving in Weeks, Ridge Says," *Congressional Quarterly*, March 22, 2004: "The security environment for trains will never resemble that for aviation."

[31] DHS, "Rail and Transit Security Initiatives Fact Sheet," March 22, 2004.

terrorist event attack, including improvements in ventilation, drainage, fire safety technology, emergency communications systems, lighting systems, passenger egress, and accessibility by emergency response personnel; and 7) public awareness and public outreach campaigns.

DHS should require recipients of public transportation security grants to submit emergency response plans and undertake exercises for emergency response training.

DHS should develop and disseminate best practices for public transportation security.

DHS should develop a national plan to increase awareness of measures the public, passengers, and public transport employees can take to improve transportation security. The department should also increase awareness among public transportation authorities of available funding sources and the most up-to-date technologies and practices to enhance security.

SECURITY GAP: The Administration Lacks A Coherent Strategy For Securing Passenger Rail And Public Transit

In 2003, GAO recommended that DHS's TSA and the DOT "develop a risk-based plan that specifically addresses the security of the nation's rail infrastructure" and "establish time frames for implementing specific security actions."[32] Such a plan has still not been developed, and progress on this front has been limited because responsibilities for transit security are still fragmented and confused. While TSA has "started development of [an] overall intermodal transport security plan, [it] has not developed specific plans to address the security of individual surface transportation modes, including rail, and does not have time frames established for completing such an effort."[33]

SECURITY RECOMMENDATION

The Department of Homeland Security, in coordination with the Department of Transportation should develop a risk-based, comprehensive, national strategic plan for the security of the nation's public transport systems. Such a plan should establish protective priorities, recommend specific measures to increase public transportation, set performance expectations, and establish milestones and timeframes for implementing specific security actions.

---

[32] U. S. General Accounting Office, *Rail Safety and Security: Some Actions Already Taken to Enhance Rail Security, but Risk-based Plan Needed*, GAO-03-435, (Washington, D.C.: GAO, April 2003), 33.
[33] U. S. General Accounting Office, *Rail Safety and Security: Some Actions Already Taken to Enhance Rail Security, but Risk-based Plan Needed*, GAO-03-435, (Washington, D.C.: GAO, April 2003), 3.

SECURITY GAP: Roles and Responsibilities Between The Department Of Homeland Security And Department Of Transportation Are Unclear

According to GAO, the roles and responsibilities of the TSA and the DOT "have yet to be clearly delineated, which creates the potential for duplicating and/or conflicting efforts as both entities move forward with their security efforts."[34] Further, "DOT and TSA have not yet formally defined their roles and responsibilities in securing all modes of transportation."[35] To address the problem, GAO recommended that DHS and DOT enter into a memorandum of agreement to "define and clarify each entity's role and responsibilities in transportation security matters."[36] DHS and DOT disagreed with the recommendation[37] and a clear definition of roles and responsibilities remains absent.

SECURITY RECOMMENDATION

The Department of Homeland Security and Department of Transportation should enter into a memorandum of agreement that clearly defines and governs the roles and responsibilities of the respective departments regarding security of public transportation systems.

---

[34] U. S. General Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-1154T, (Washington, D.C.: GAO, September 9, 2003), 3.
[35] U. S. General Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-1154T, (Washington, D.C.: GAO, September 9, 2003), 18.
[36] U. S. General Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-1154T, (Washington, D.C.: GAO, September 9, 2003), executive summary.
[37] U. S. General Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-1154T, (Washington, D.C.: GAO, September 9, 2003), executive summary.