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TRANSIT SAFETY IN THE WAKE OF SEPTEMBER 11

HEARING

BEFORE THE

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

OF THE

COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

THE EXAMINATION OF CERTAIN INITIATIVES TO ENSURE THE SAFETY OF THE UNITED STATES TRANSIT SYSTEM IN THE WAKE OF THE RECENT TERRORIST ATTACKS ON THE WORLD TRADE CENTER AND THE PENTAGON

OCTOBER 4, 2001

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TRANSIT SAFETY IN THE WAKE OF SEPTEMBER 11

THURSDAY, OCTOBER 4, 2001

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
SUBCOMMITTEE ON HOUSING AND TRANSPORTATION,
Washington, DC.

The Subcommittee met at 2:35 p.m., in room SD–538 of the Dirksen Senate Office Building, Senator Jack Reed (Chairman of the Subcommittee) presiding.

OPENING STATEMENT OF SENATOR JACK REED

Senator REED. Let me call this Subcommittee hearing to order.

Good afternoon. I want to welcome all of you to today's hearing on transit safety. The safety of our Nation's transit systems has always been a priority. But the events of September 11 have made it clear that we need to do even more to ensure the safety of transit riders and operators.

I would caution everyone that the intent of today's hearing is not to raise new fears in the minds of Americans. It only seems prudent, however, to ask our witnesses and my colleagues to focus not on the ultimate worst-case scenarios or what a specific system's response plans are, because to do so could unwittingly aid the very people we are seeking to thwart.

We also know from yesterday's Greyhound Bus incident that our transportation system faces lethal threats from apparent nonterrorists as well. And it is important to note that while rail systems face a significant threat, our Nation's bus systems merit increased attention also.

I believe this hearing should provide an opportunity to hear from transit experts on what the threats actually are, what they plan to do in response to them, what lessons they have learned from the tragedies of September 11, and what the Federal Government can do to help ensure that we have the safest transit system possible.

The hallmark of our Nation's transit system has long been its safety record, particularly in comparison to other modes of travel. Moreover, in the wake of the horrific events of September 11, transit systems in New York and Washington played an essential role in safely moving thousands of people from the affected areas. We owe a great debt of gratitude for those efforts to hard-working men and women in these transit organizations who helped their fellow Americans in a time of grave danger.

What is also clear from September 11 is that we have a new level of threat facing the open society we have cherished since our Na-

tion's founding. It is encumbent upon all of us to find new ways to reduce this threat. That effort starts first and foremost by not retreating from our daily routines and practices, whether it is riding the subway or going to a football game, because if we allow ourselves to be frozen with fear, the terrorists will have achieved one of their goals.

Rather we should do all that we can to address the threat. That task lies first and foremost with our law enforcement and intelligence agencies, which have the expertise and the authority to stop terrorists before they act. Success by these agencies is the best way to preserve the integrity and safety of our transportation system. However, at the same time, we have a responsibility to make sure that if this front-line defense fails, our transit operators are prepared and ready to respond. Helping them achieve that goal is what today's hearing is all about.

And I am glad to report that transit agencies from around the country, such as the Boston MBTA, which is working on high-tech biological weapons security systems with MIT, and the Federal Government, all of these systems are taking concrete and rapid steps to meet this new threat.

This hearing is the start of a longer process—to develop new, enhanced security provisions for the reauthorization of TEA–21, which our Subcommittee will begin considering next year. As part of that effort, I want to make sure that the Federal Transit Authority, FTA, has the resources it needs from the recently passed $40 billion supplemental to help systems with new capital and operating concerns. The FTA and transit are indeed part of the President's new Homeland Defense effort, and we will want to maximize coordination between law enforcement and transportation officials.

Today, we will hear from two panels of witnesses. The first panel will consist of Ms. Jennifer Dorn, the new Administrator of the Federal Transit Administration. For our second panel, we will hear from three witnesses who have hands-on experience with the events of September 11 at the Pentagon, and they can address the steps that transit systems have been taking to improve safety.

We will be asking all of our witnesses to discuss: First, the existence and nature of any threats to transit. Second, efforts underway to address those threats. Third, lessons learned from the experience of September 11. And fourth, suggestions for improving transit safety.

Before we hear from Administrator Dorn, I would like to recognize my colleague and friend, the Ranking Member, Senator Allard of Colorado.

Senator Allard.

STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Thank you, Senator Reed.

I would like to thank you, Mr. Chairman, for holding this hearing on transit safety in response to the September 11 terrorist attack in Washington, DC and New York City. It is crucial at this time to acknowledge and prepare for the fact that our Nation's skies are not the only possible conduits of terrorist aggression.

I would agree with your comments, Mr. Chairman, that we do not want to unnecessarily raise any alarm in the country. But we

need to systematically and thoroughly review what is happening as far as trying to be prepared for a possible terrorist attack in all of our transportation systems. I think it needs to start here in the Committee. So, again, I commend you.

Indeed, some experts believe that, as aviation targets become more difficult to exploit, mass transit targets such as buses and trains may become a more attractive venue for terrorist activities. We are here today to ensure that this does not happen.

While all sectors of society are vulnerable to terrorism, some consider public transportation particularly susceptible, as rail and bus systems are highly visible and carry large numbers of people in concentrated spaces along predictable routes and schedules. Also, in their objective to move large numbers of people quick and conveniently, transit systems are easily accessed by the public and therefore, there is difficulty in ensuring their security.

Since 1998, all rail transit systems, though not bus systems, have been required by the Federal Government to prepare and implement a system security program plan. Based on FTA's guidelines, these plans focus on agency-wide activities to provide a secure environment for transit customers and employees, including the prevention and mitigation of terrorist activity.

Our witnesses are here today to discuss potential terrorist threats to our Nation's transit systems, their efforts, current and planned, to address those threats, and how their thinking about transit safety may have changed in the wake of last month's terrorist attacks. Certainly, the attacks refocus everyone on the importance of emergency preparedness. However, being prepared for an emergency involves consideration of far more than just terrorism. In preparing a good, comprehensive plan, an agency will also be well-equipped to deal with natural disasters, medical problems, power failures, and the like. Although we hope that these events never occur, we must be prepared for that possibility.

I would like to thank all of our witnesses for being here today. I look forward to hearing from all of you. Furthermore, I would like to recognize all the transit officials and employees who quickly and efficiently helped to evacuate large numbers of people out of congested areas under the difficult circumstances following the attacks on September 11. Our thanks go out to all these dedicated transit employees.

Again, I would like to thank my colleague for holding this hearing, and I look forward to working with him on this matter.

Senator REED. Thank you very much, Senator Allard.

I would now like to recognize our first witness, Ms. Jennifer Dorn, the FTA's Administrator, who is appearing before the Subcommittee for the first time. Jennifer has served with distinction in previous Administrations in senior positions at the Departments of Transportation and Labor.

Welcome, Ms. Dorn, and we look forward to your testimony.

STATEMENT OF JENNIFER L. DORN
ADMINISTRATOR, FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION

Ms. DORN. Thank you, Mr. Chairman and Senator Allard. The Federal Transit Administration appreciates the opportunity to talk with you about these important matters.

I recently had the opportunity to meet with transit leaders in New York City to discuss their public transportation needs and emergency operations. Like the fire, police, and emergency medical teams, transit employees have shown both heroism and incredible resilience as they responded to and helped the city recover from the terrorism of September 11. It is really astounding to realize that thanks to the emergency response plans, clear-thinking, and quick action of transit employees, no one—no one—riding the PATH or the New York City subway lines that morning was injured. As you know, literally thousands of lives were saved.

I have just returned from the American Public Transportation Association annual conference in Philadelphia. The fact that the conference was held as planned reflects the sense of responsibility of the Nation's transit leaders and it gave all of us in the transit community an important opportunity to have a number of significant and intense discussions about safety and security.

I certainly share Secretary Mineta's strong commitment that the Department has no higher priority than keeping our communities safe and moving, and the Department is taking responsible and aggressive action to do just that. Within minutes of the first plane crash on September 11, the Department of Transportation's Crisis Management Center went into action and it continues to provide precise, current, multimodal information about the Nation's transportation system directly to the Secretary and, as he sees fit, to the White House.

In order to respond to the new level of security threats, within days, Secretary Mineta also created the National Infrastructure Security Committee—NISC—within the Department of Transportation. The mission of the NISC is to execute preemptive, preventative, protective, and recovery efforts for critical elements of the U.S. national transportation system. FTA is working with NISC, the States, transit agencies, and other Federal agencies to identify high-value, high-consequence transportation operations and structures, as well as their current protection strategies, and any gaps which may exist.

As we consider a variety of measures to improve security in our Nation's transportation systems, it is very important that we keep in mind two fundamental points.

First, that our actions must carefully balance three important interests. One—and not in any particular order—the need for security. Two, the need for personal mobility. And three, the need to maintain economic vitality.

I believe that the second most important fundamental point to keep in mind is that the Nation's public transportation system is geographically dispersed within communities, they are diverse in their delivery mechanisms, and most of all, designed to meet the unique features and needs of the areas they serve. Thus, it is very difficult and somewhat unproductive to focus a cookie-cutter ap-

proach on a problem as significant as this without taking into account the unique attributes of particular systems.

With those points in mind, let me briefly describe the steps that FTA is taking to enhance the security of the Nation's public transportation systems.

First, we are stepping up our ongoing efforts to help transit agencies evaluate the threats and vulnerabilities to their systems. This way, they can appropriately refine or develop security and emergency response plans, particularly in light of the new terrorist reality. Some systems are 100 years old. They were designed with 19th Century crimes in mind. Others are brand new, designed with security in mind and incorporating the latest security technology. No two systems are alike.

Second, we plan at the Department of Transportation to provide assistance to transit agencies as they refine their emergency response plans in light of their system assessments and the heightened terrorist threats. These plans serve as blueprints for action in the wake of an attack and articulate who will take the specific steps necessary for emergency response.

FTA also will continue to work with local transit agencies to conduct full-scale emergency drills to test their plans and equipment. In my visits with New York and Washington transit officials, they emphasize how important it was that they had conducted regular emergency drills—not just fire drills—to keep skills sharp, update response plans, and build personal relationships with counterparts in the police, fire, emergency and health response systems. Although regular drills are routinely recommended by security experts in FTA and in transit systems throughout the country, there is nothing like hearing advice from people who have lived it—literally lived it.

And finally, we will offer additional security training and workshops throughout the country. Nothing is more important than training and awareness. We have heard from our colleagues in Washington and New York and that means employees and riders.

We intend to expand our free security and emergency response training to incorporate new security strategies and tactics and to give more local transit employees the opportunity to attend emergency response training. It is imperative that we have a transit workforce that understands security issues and is fully prepared to respond, should an emergency occur.

In addition to these broader plans, many of which are already underway and have been for some time, next week, FTA will be mailing to every transit agency nationwide, a security toolbox that will include resource guidelines, planning tools, training opportunities and sample public awareness publications, all at one place, for the ready access of transit leaders throughout the country who are paying renewed attention to a renewed threat. We believe these materials will be of assistance to agencies as they continue to enhance their efforts for security awareness and emergency response capabilities.

Thank you, Mr. Chairman, for the opportunity.

Senator REED. Thank you very much, Madam Administrator, for your very fine testimony. Let me ask a few questions before I turn to my colleague.

As you know, Congress recently passed, and the President signed, the emergency supplemental appropriations bill totaling $40 billion in response to the September 11 tragedy. Transportation security is specifically identified as eligible for that money. Has the FTA requested funds for that bill for improved safety and, if not, why not?

Ms. DORN. Thank you, Mr. Chairman. We are as we speak, working directly with the National Infrastructure Security Committee, that I mentioned, and certainly, that effort is focused on identifying priority needs within transportation. There is no question that transportation security will be addressed. It is a work in progress. I have every confidence that the Administration and the Department will set appropriate priorities so that we can enhance the security across the Nation.

Senator REED. From your review today, and also your discussions with local transit leaders, is it your impression that they will require additional resources?

Ms. DORN. I think it is very dependent on local issues. Certainly, as the New Jersey Commissioner of the Department of Transportation said to me and to many others at the Philadelphia conference, there is no way to plan for what happened, the magnitude is so huge. However, it is imperative that every agency take a holistic, systematic look at this issue. And all transit agencies are sorting out the priority needs. There is never enough to be completely secure. As I have said in other matters, you cannot wring all of the risk out of people moving. But I am confident that, together, we will be able to sort through the priorities that will really make a difference.

Senator REED. One of the lead agencies, or the premier agency, for response to a crisis here in the United States is FEMA. It has the lead role in most cases and it is also charged with developing a comprehensive national emergency management system. Does FTA work on a daily regular basis with FEMA?

Ms. DORN. Absolutely, through both the Crisis Management Center and in our work with the National Infrastructure Security Committee, in general, on a day-to-day basis in the New York area. They are partners in emergency response and how the necessary funds will be delivered.

Senator REED. Now as you work through the issues, the demands for increased resources, are you also reviewing potential changes in the law that would give you and local transit agencies more appropriate powers? And if so, can you share some of those thoughts with us today? Again, we are preparing ultimately next year for the reauthorization of TEA–21.

Ms. DORN. Certainly, Mr. Chairman. The events of September 11 require that everything be put on the table. With our industry counterparts, our partners in the labor community, passenger groups, and with the Federal agencies, we are looking at everything that will make security more effective.

We have to be very cautious, as I mentioned in my opening remarks, that well-intentioned, aggressive actions do not have ramifications that we did not anticipate. This is a complicated matter.

I also think that a cooperative approach where indirect pressure and direct pressure from a variety of sources, combined with model programs, may well be the solution.

However, we cannot, and should not prescribe that every mode or every type of transportation should have a specific mandate for the type of security. The review will show that it is more complicated than that and we will need to have as dynamic and relatively complex a system as we do. But everything is on the table.

Senator REED. We give much more specific direction to the rail systems than we do to the bus systems, it is my understanding. There has been a proposal by the ATU to require that bus systems meet the same general guidelines with respect to their operations, the security procedures, and also a certain percentage of resources devoted to security. Would you be in favor of imposing those same types of directions on bus systems as well as rail?

Ms. DORN. Mr. Chairman, at this point in time, I do not believe that it is clear that those additional mandates would be of benefit. That is not to say they would not be on the table. But I believe that we can thoroughly address the needs at this point in time through the voluntary security assessments which FTA offers, combined with the model bus safety program that is now in its final stages.

I am eager to work with our partners in Labor to ensure that the model bus safety program helps meet the needs that they have identified. I believe that it is appropriate to utilize that avenue first. I know that there is a strong commitment on the part of APTA and the bus industry to really take a firm grasp of the importance of this. So, I believe that we should try that at this point.

Senator REED. In line with my previous questions, FTA's Office of Safety and Security develops guidelines, best practices, provides training, generally performs safety analysis reviews and audits. Do you believe that your Office of Safety and Security needs more authority, legislative authority, to be more effective?

Ms. DORN. At this point, I could not say that we do. I do not mean to be repetitive, but in light of the situation, everything must be on the table.

I feel comfortable, particularly with the heightened awareness and the responsiveness of industry groups, and the best practices that are available, and the technical assistance that we provide, we are doing as good a job as we can in the existing environment.

Senator REED. One final question before I turn it over to Senator Allard.

In 1997, FTA instituted a voluntary security audit program for any system at no cost. I wonder how many systems, and if you do not have this knowledge, it is certainly appropriate to provide it later, have taken advantage of this audit program? Have there been an increased number of requests after September 11? And are there any indications from these audits of what is a consistent weakness across the board in these transit systems?

Ms. DORN. In partial answer to your question, Mr. Chairman and I would prefer to be more specific in the record, if I might, we have over the last three fiscal years conducted 53 voluntary audits, and they range from the smaller transit agencies to the larger transit agencies. We have completed about 18 or 19 each year. I am not

aware, although our Security Director, Harry Saporta, may know if we have had any requests since September 11.

But I am confident that once we make agencies aware of this service, they may take advantage of it. And as you and I discussed earlier, agencies, particularly the larger ones, are taking their own initiative and hiring security firms to help them assess the most important issues that they need to address in terms of emergency preparedness, security, and safety.

Senator REED. Thank you very much.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman.

FTA's Office of Safety and Security, the way I understand its function, you guide local transit authorities in their preparation of the systems security program plans. And in addition to that, if there is a request for an audit, then, on a volunteer basis, you provide help in that audit. Beyond that, what sort of oversight, what sort of function do you carry on with the transit agencies to help assure security?

Ms. DORN. It actually depends on the mode. But in all cases, if we get a call for help, we try to accommodate. And if we cannot, we have contractors who have the expertise so they can help.

We have over 200 safety and security courses offered by the Transportation Safety Institute. I believe about one-third of those have a heavy component in security. We are increasing the number of training workshops within our 2002 budget, so that we can offer a number of workshops to the smaller agencies on a regional basis.

And in addition to that, of course, our partners in the State, if it is a light rail, a heavy rail, or a people mover, the State has then the oversight authority for ensuring that a safety and security plan is in place for that type of system.

Senator ALLARD. Do you interact with those States?

Ms. DORN. Yes, we do.

Senator ALLARD. And you are working together on these plans and whatnot?

Ms. DORN. We do. And every 3 years, we do a State review to ensure that the State oversight program is up to the level that we think is important.

Now does that mean that we are completely comfortable and believe that we are doing everything the way we could? No. Even those issues are on the table. How can we qualitatively make a difference in those reviews?

Senator ALLARD. Now, you mentioned that you handle calls for help from local transit agencies. Do you get a lot of calls? Or do you get a few calls? Or a moderate number? Could you give us some feel as to how often they request help?

Ms. DORN. It depends on the size of the agency. And many of those calls would go to our regional offices, where they are more of the day-to-day partners in technical assistance. There is definitely a strong attention across the agencies for security and safety.

Senator ALLARD. So most of the calls you have gotten have to do mainly with maintenance and day-to-day operations. You are not getting calls on helping with security issues.

Ms. DORN. Not at this point. However, I would mention that, just as an anecdotal example, at APTA's conference they had some

1,700 folks at a special session for anyone who wanted to hear from the New York and Washington folks about lessons learned and how they could incorporate and enhance their security. There were 400 to 500 people in that audience. For 2 hours, you could have heard a pin drop and notes were taken. There is a heightened awareness about the security piece.

Does that mean we have done enough? No. We have to work together. We have a new normalcy, as Secretary Mineta would say.

Senator ALLARD. Now, please describe for us the functions of and coordination between the Department of Transportation's Office of Intelligence and Security and FTA's Office of Safety and Security, as they relate to helping the transit agencies prepare for and perhaps respond to terrorist threats or attacks, if that should happen.

Ms. DORN. Right. Well, there are two ways that we work on a regular basis with OIS, as you have mentioned. One had been in place prior to September 11, and that is through the Crisis Command Center. Every mode is represented, and for the period of time since September 11, it was on a 24/7 basis. Every mode is at the table, connected with the Nation's transportation systems. And OIS is there as well. So they are talking constantly.

In addition to that, OIS is on the executive committee of the Secretary's group that I mentioned, the National Infrastructure Security Committee, as is FTA. And so, that is focused on the kinds of problems out there, the gaps, and how we can fill them in the high priority areas.

Senator ALLARD. I have never heard of an agency or somebody representing an agency come here and say that they do not have enough resources. And perhaps the following question is a foolish question, but I am going to ask it anyhow. Does FTA's Office of Safety and Security have the staff and resources it needs to effectively help State and local transit agencies prepare and respond to possible terrorist attacks?

Ms. DORN. I am confident, Senator Allard, that as we work through this issue with the Office of Management and Budget and the Secretary, we will have the necessary resources to do the job that is required.

Senator ALLARD. I appreciate that response. As you know, the President recently announced the formation of the Office of Homeland Security. Do you have any idea what FTA's role might be as it relates to this new office, and what role the office will have in transportation? I have not gotten any of those details. I do not know whether the Chairman has or not. But we would like to hear what your perception is as you interact with the Office of Homeland Security.

Ms. DORN. It is my understanding that the White House is moving aggressively to outline the specific authorities and the office structure. There is no question that the mission is clear, as I have heard and understood it from Secretary Mineta, and that is to coordinate the Executive Branch's efforts to detect, prepare for, respond, and recover from acts of global terrorism.

Senator ALLARD. But you do not have the details yet.

Ms. DORN. No, I do not.

Senator ALLARD. Okay.

Ms. DORN. But I have every confidence that FTA, through the Department of Transportation, will have a seat at that table. It will not work if it is not that way, and I am confident that Governor Ridge and the President would thoroughly understand that. That is the purpose of creating it. I am pleased that it has been created.

Senator ALLARD. We have some privately owned transportation systems out there. What role does the Federal Government have in antiterrorism measures with these transportation systems?

Ms. DORN. As I understand it, it is the bully pulpit, primarily, because the hook is usually Federal grant money.

Senator ALLARD. Okay.

Ms. DORN. So that is the primary authority. Plus the good citizen motivation.

Senator ALLARD. Do you reach out to them or do you kind of ask them to reach out to you on a regular basis?

Ms. DORN. Well, since I have had this position, I have reached out proactively. That piece of the industry will be, and should be, a growing part of the Nation's public transportation system. We need them. We need their counsel. We need their advice. We need their good business practices.

Senator ALLARD. Mr. Chairman, I see my time is expired and I know you are anxious to get to the next panel.

Thank you.

Senator REED. Thank you very much, Senator Allard, for your excellent questions.

Madam Administrator, thank you for your testimony. You are very articulate.

Ms. DORN. Thank you very much.

Senator REED. Very well thought-through. We are eager to know of the results of your deliberations, particularly if it would result in requesting supplemental funds. We would like to be an aid to you in getting the resources that you and local transit authorities need, to make sure they are secure and protective of the public.

Ms. DORN. We at the Department of Transportation are eager to work with this Committee in that regard. And I am confident I will be calling you.

Senator REED. Thank you very much.

Now let me call the second panel to the table.

[Pause.]

I would like to introduce the witnesses on our second panel. First, Mr. William Millar has been President of the American Public Transportation Association since November 1996, after 24 years in transit operations at the Port Authority of Allegheny County, Pittsburgh, and elsewhere. Bill has long been a national leader in transit policy. We thank you for joining us today.

Mr. MILLAR. Thank you, Mr. Chairman.

Senator REED. Mr. Robert A. Molofsky is the General Counsel of the Amalgamated Transit Union, which represents 175,000 employees in public mass transit, intercity bus, school bus, para-transit, and van service operations in some 46 States and throughout the provinces of Canada. Bob has been involved in the ATU's legal, regulatory, and governmental affairs since 1981.

Thank you, Bob, for joining us.

And finally, Mr. Richard A. White is the General Manager of the Washington Metropolitan Area Transit Authority, the regional operator of rapid transit and bus services in the Greater Washington National Capital Metropolitan Area, and the fourth largest mass transit system in the United States. Mr. White has 25 years of transit experience, including several high-level positions with San Francisco's Bay Area Rapid Transit district, among others. Mr. White is joined by Chief Barry McDevitt of the WMATA's police force. And we have a mutual friend, Chief. That is Beverly Scott, who is the head of RIPTA in Rhode Island, and she is very proud of what you and all of your colleagues were able to accomplish, and with your fellow colleagues in New York City.

I thank you all for joining us.

Before we begin, I would just point out that your written testimony will be made part of the record. There is no need to read it, but we will allow you 7 minutes.

Mr. Millar, please begin.

STATEMENT OF WILLIAM W. MILLAR, PRESIDENT AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

Mr. MILLAR. Thank you, Mr. Chairman. Good afternoon. I want to thank you for this opportunity to testify and appear before you. And I want to say thank you to Senator Allard and to all the other Members of Congress—how quickly you have responded to the needs of the Nation after the horrific events of September 11. We do believe that there is additional information we could provide to you and to the Committee, particularly if there is an opportunity, perhaps, for executive session or private sessions on this.

Mr. Chairman, we believe that the Federal investment that has been made in the past several years in public transportation has been paying off in lots of different ways. And one of those ways is improved safety and security, which I will discuss in a moment.

That investment has allowed public transportation usage to grow dramatically in this country, up some 21 percent over the last several years, and it has enabled our members to upgrade their systems, improve the safety and security of their systems in a variety of ways, from upgrading rolling stock to buying security equipment to building new systems with the latest design characteristics that are necessary for the best of safety to be included.

And we think this investment paid enormous dividends on September 11, when public transportation operators in both the New York City area and the Washington, DC area helped safely evacuate citizens from the center city. Indeed, while the attention is focused on those cities, all across America, evacuations were underway that day. Transit systems were part of the emergency response, as they served to carry stranded travelers from the Nation's airports and as they moved emergency workers around, and the story goes on and on.

We believe that the response of the transit industry to the September 11 events shows quite clearly that, just as our interstate highway system when it was begun by President Eisenhower, was a national defense interstate highway system, we think in this new war on terrorism, public transit agencies are certainly part of the national defense component of this. We are extremely proud of the

way our members throughout the country, and particularly in the New York and Washington area, responded.

Mr. Chairman, as Administrator Dorn said, through perhaps fortuitous scheduling, the last few days, much of our industry, much of the leadership of our industry has been in Philadelphia for a long ago scheduled annual meeting of our assocation.

Over 2,300 transit leaders from around the country were present and, needless to say, the agenda we had on September 10 was altered dramatically for the meeting that began on September 29.

We were most pleased that Secretary Norman Mineta was able to come to Philadelphia just 4 days ago to be our keynote speaker. He emphasized the importance of public transportation to our Nation and the critical importance of continuing to focus on safety and security needs.

While he said many memorable things in that speech, there were some words that stuck out particularly for me. He said: "Preparation equals performance."

And I want to assure you that we in the public transit industry are taking that message to heart. For nearly 20 years, through the American Public Transportation Association's System Safety Program, and our related Safety Management Audit Programs, APTA has been working with and encouraging its members to plan and prepare for safety and security.

A good, safe, and secure system does not, as they say, happen by accident, and the Secretary's words—preparation equals performance—were borne out on September 11.

I can report to you that nearly all of the Nation's 18 commuter rail systems participate in our audit program, that all of the Nation's rail transit systems in the country participate either in our program, or in a program of their own State, and those State programs follow guidelines that are based on our system safety plans.

In the last year and a half, we have developed a similar program for the Nation's bus systems, which is being implemented now. And we are seeing, as you would well imagine, quite a large increase in inquiries about joining that program since September 11.

APTA handles that program through a staff of in-house auditors who are well trained, and it is advised by committees inside our association. We include members of FTA's security office, as well as DOT's Office of Intelligence and Security, in our meetings and as part of our committee.

We share and trade information and we make sure that we are each aware of what the other is doing. We make sure that our programs can be coordinated as much as they can be, so that they can be effective.

Our safety and security plan program certainly proved its worth on September 11. Both the operators in New York and Washington have been long-standing members of those programs. They had plans. They practiced their plans. And they responded well when they were called upon.

As a trade association representing both public-sector operators, which has been the focus of much of my testimony so far, but also the private-sector industry that supports our public operators, we work on a whole variety of activities, and let me outline some of

those for you very briefly. I would be, obviously, happy to go into more detail during questions and answers.

First, as soon as the terrible events became clear on September 11, we immediately offered our help to the FTA and to the Federal Railroad Administration. Within a few days, we were able to supply them with a list of capital needs, operating needs, and research and development needs that would be critical to improving the safety and security of our systems. We have, as part of our testimony, supplied that list to the Committee for your consideration.

We think that considerable investment will need to be made, and not anticipating your questions, but having heard the questions to Administrator Dorn, we do believe that additional investment is going to be made, and we are working with our members now to see if we can get a handle on the order of magnitude that might be appropriate there.

At our recently concluded annual meeting, we did have a very special forum that the Administrator spoke of on Tuesday afternoon, where the leaders from New York and Washington told us of their experience and how they responded.

Four key themes emerged—you need to plan, you need to prepare, you need to practice, and you need to partner. It was clear in all those cases that those systems did that, it paid off, and I am sure my colleague, Mr. White, say more about that later.

We as a trade association are sharing critical information of best practices among our members. The reality of it is, this has been an issue higher on some members priority list than it has been for others. But now, it is number one on everybody's list and we want to make sure that we learn from our experience.

Later this month, we are sponsoring with the Mineta Institute from San Jose State University in California, and the American Association of State Highway and Transportation Officials and DOT's Research and Special Projects Administration, a special invitation-only conference here in Washington, DC, where we will bring the leaders of the surface transportation industry together to talk through these issues and hear the results of research that was completed last summer on terrorism in transportation and how to respond to it. We are also having discussions with the International Union of Public Transport based in Brussels. Regrettably, much of the rest of the world has had far worse experience up until September 11 than us, and we do believe that we have much to learn from other countries and other cities here.

And finally, we continue to work with DOT in making sure that safety and security remain paramount issues. We are very pleased with the Administrator's quick actions to develop a rapid response toolbox, including an offer to our association to have material placed in there.

We are very pleased with her response to assist in making audits available. And there are many other examples where we are working together. I will look forward to your questions and expanding on these points.

Thank you, Mr. Chairman

Senator REED. Thank you, Mr. Millar.

We will hear from Robert Molofsky, General Counsel of the Amalgamated Transit Union.

STATEMENT OF ROBERT F. MOLOFSKY
GENERAL COUNSEL, AMALGAMATED TRANSIT UNION

Mr. MOLOFSKY. Thank you, Mr. Chairman. I am appearing on behalf of our International President James La Sala to discuss the ATU's views and concerns about the safety issues facing the transit industry, as well as to offer recommendations for making transit systems safer and addressing the heightened concerns in the wake of the September 11 terrorist attacks.

This is certainly a difficult time for those in the transportation industry, and indeed, for all Americans. It has now been 23 days since this Nation witnessed the horror of the events on September 11. Since then, President Bush, his Administration and Congress have shown remarkable bipartisanship in their efforts to implement new counter-terrorism measures. The airlines, along with the assistance of the Federal Government, have adopted stringent new security measures to better protect America's air travelers. And transit systems throughout the country, with the full support and assistance of the ATU, have begun to reexamine existing security procedures and emergency preparedness plans in the hopes of preventing further tragedies.

Today, too, we meet just one day after a most tragic incident on Greyhound. We are indeed grateful that our driver survived. And I take this moment to again offer and extend, on behalf of the ATU, our prayers and thoughts to those passengers, their families, and friends who were hurt or killed in that accident. And yet, that incident underscores the kind of preparations, plans, and programs that we are here today to talk about in the transit industry.

We are grateful at the same time for the swift actions undertaken by Secretary Mineta, Deputy Under Secretary Underwood, the FBI, and State officials immediately investigating that accident and communicating the outcome of that investigation immediately, not only to Greyhound, but also to the unions and others in the media and the public concerned about what that event may or may not have been. We think that important and rapid investigation and communication response helped defuse what might have been a more difficult situation and allowed the company, with our support, to reopen its operations several hours after the shutdown.

Yet, despite all of the extraordinary measures taken in transit and in the airlines, we know that no one is immune from future attacks. This is not new to the ATU or the transit industry who for years have faced startling statistics and real-life events as I just described that have put this industry on guard for the very real potential of terrorists or quasi-terrorist attacks.

According to the DOT's Office of Intelligence and Security, attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks. And 34 percent of violent attacks against transportation target rail and bus systems. Mass transportation systems in the United States have figured prominently in many of these acts of terrorism and extreme violence, and our testimony summarizes those major incidents.

Our testimony, too, highlights the less severe forms of violence against operators of bus transportation vehicles who have also been, as happened yesterday, the victims of assaults and attacks while in their vehicles. While the severity of those incidents may

pale in comparison to the recent tragedies in New York and Washington, these assaults are nonetheless a serious safety threat to transit personnel, passengers, and to the rest of the traveling public who share the roads with our mass transportation vehicles.

The ATU has been committed for years to addressing the threat of these attacks. Among our many efforts in this campaign, we have worked and have urged the FTA and Members of Congress to require security measures and mass transit safety programs, to increase penalties for persons who assault transit operators, and to provide funding for the National Transit Institute, enabling it to provide important safety research and training programs to transit workers. Over the last two sessions of Congress, we have also supported and urged passage of the Preparedness Against Terrorism Act, currently H.R. 525. This bill, now pending, seeks to improve coordination of Federal efforts with regard to preparedness against terrorist attacks in the United States.

The bill would require an assessment of the risk of such attacks against transportation, energy, and other infrastructure facilities, as well as an evaluation of available technologies and practices to determine the best means of protecting such facilities from attacks.

We take note of the testimony earlier of Administrator Dorn in referencing Secretary Mineta's new committee that is now undergoing a current review and study that parallels some of the issues raised by that bill and hope that the transportation labor community will be asked to participate in that ongoing effort.

We want to take the opportunity to ask this Committee to consider the bill now pending in the House and support it or seek to have it included in any comprehensive transit security legislation that may come out of these hearings in the future.

While I have painted a rather grim picture of the security threats facing the industry, I would be remiss if I did not point out that the transit industry is one of the safest forms of transportation. Even in the face of the tragic events of September 11, public transportation systems in New York and Washington responded quickly, reliably, and efficiently in evacuating people away from areas affected and delivering them safely to their destinations.

Today, as I sit side by side with Mr. White of WMATA, it is clear that the comprehensive planning, preparation, and practices, as Mr. Millar mentioned, involving not only the security personnel, but also the transit workers, on that system, as in New York, were the key to the ability of those two systems to respond as they did to those unexpected events. They made heroes of our members and they made good examples of what this country should look forward to having happen and take place in every system throughout the United States.

With that said, there are several specific legislative and regulatory fixes that must be taken to better ensure the safety of our transit systems. This is not a time just for best practices or model safety plans. We make the following six recommendations for improving transit safety and security which are amplified in detail in our testimony.

First and foremost, the safety and security requirements which apply to fixed-rail guideway systems should be extended to cover bus transit systems. There is currently no Federal requirement

that bus systems prepare or implement security plans to protect and prepare bus operators and passengers in emergency situations. This makes no sense.

Second, Federal law should be amended to require all transit systems in urban areas to spend a minimum percentage of their formula grant monies on security measures without exception. While Federal law currently requires that at least 1 percent of such grants be spent on security, it allows an exception where the grant recipient has decided that the expenditures for security projects are not necessary. At a minimum, that decision should be left up to the Secretary of Transportation.

Third, Congress must appropriate sufficient funds to allow transit agencies to adopt and implement needed security improvements. Funding is necessary and needed not only for equipment and planning, but also for training of the workers who are on the front lines of our Nation's systems to ensure that they are properly aware and informed as to the steps to be taken in sudden emergencies.

Fourth, the FTA should develop a national transit terrorism threat warning system similar to the system developed by the FAA to warn all operating systems that an attack may be imminent.

Fifth, Congress should Federalize penalties for violent assaults on transit operators. Despite the important public service they provide and the accompanying risks they face on the job every day, transit operators receive very little protection under Federal and State laws, unlike airline pilots or flight attendants.

Sixth, the FTA must further improve its transit crime reporting system so that the true extent of the threat can be assessed.

We believe that by considering these and other measures, including the program outlined by Administrator Dorn and by my copanelists, that if the proper funding is provided to ensure that all of the systems—the bus and rail systems—can develop and implement the kinds of plans that we know will work, that our systems will remain safe and become safer and that the personnel that are on the front lines and operating those systems will be well prepared to respond to sudden attacks.

Thank you, and I will be happy to later answer questions.

Senator REED. Thank you very much, Mr. Molofsky.

We have been joined by the Chairman of the full Committee, Senator Sarbanes, and at the conclusion of Mr. White's testimony, I will ask him for his comments.

Mr. White, again, thank you and your colleagues for wonderful service to this community and the Nation on September 11. And please proceed.

STATEMENT OF RICHARD A. WHITE, GENERAL MANAGER WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Mr. WHITE. Thank you.

Good afternoon, Chairman Reed, Senator Allard, and Committee Chairman Sarbanes. Thank you for asking me to testify on the important subject of transit safety in the wake of September 11.

The events of September 11 have affected all aspects of national life. Daily and routine events like business trips, vacation travel, and commuting have been changed forever. Although WMATA handled its mission well on that tragic day, we now face altered expec-

tations, especially from our Federal customer base. Safety and security are of concern for each of the 1.1 million daily trips on the system, and it is our obligation to continue to ensure that Metrorail and Metrobus operations provide our customers safe passage, so the important work of the National Capital Region can continue.

Before responding to your questions regarding safety, I would like to also acknowledge the extraordinary efforts of our New York and New Jersey colleagues. They were heroes in their communities. As did Administrator Dorn earlier this week, I also attended the annual meeting of the American Public Transportation Association and heard firsthand some of the courageous and brave acts performed by transit employees, acts which literally saved thousands of lives that otherwise would have been lost in the subway tunnels that ran underneath the World Trade Center complex.

In those and other systems across the Nation, America's transit system customers were safeguarded on that sad day. And Mr. Chairman, and Members of the Committee, I believe that WMATA and transit systems across the country will play an even greater role in our national defense and national security in the months and years ahead.

On September 11, when WMATA was needed most, and in the midst of regional chaos, Metrorail and Metrobus were ready, and delivered for the National Capital Region. We operated the equivalent of back-to-back rush hours, virtually without incident, after the Federal Government and other regional employers sent hundreds of thousands of workers home around mid-morning. We were operating the entire day. We did what we do best—we moved large numbers of people safely and efficiently.

Throughout the day, the WMATA workforce performed extraordinarily, and, I might add the vast majority of our represented employees are represented by the Amalgamated Transit Union. Not once did an employee put their own individual concerns ahead of their sense of duty to the customers. The transit police, the bus and rail operators, the station personnel, the customer service representatives—everyone—demonstrated their dedication to our mission of moving people safely and securely.

Further, we never lost communications throughout the day. We established our internal operations command center and maintained contact with local, State, and Federal authorities. We communicated with our riders through in-system messages, our phone system, and over the Internet through the website.

WMATA, blessedly, suffered no property damage, no loss of life, and no injury to any of our employees, or to any of our customers on that terrible day. I would be happy to give you additional details on the actions of that day, but I would now like to address the important safety questions raised in your invitation letter.

The most significant issue facing WMATA is adapting to the post-September 11 reality that our freedom of mobility has been challenged. Security is paramount in the minds of our riders. WMATA is considered one of the safest transit systems in the country, but we are always reviewing ways to meet the obligation of providing greater security for the riders of the region's public transportation.

Currently, we have been doing the following, and, have been doing the following for quite some time.

We do conduct annual counter-terrorism training for our police. We conduct suspicious package and explosive device training, not only for our police, but for our operations personnel as well. We provide bomb containment trash cans. We participate in numerous interagency related training drills. We have 1,400 cameras monitoring the rail system. We participate in the testing of emergency technology. And we have assigned protective equipment to our police and rail operations personnel.

We are partnering with the scientific community and the Federal Government through the Departments of Transportation, Energy, and Justice, under the guidance of several national laboratories in an ongoing program for chemical and biological protection. For security reasons I cannot discuss the details of this program, but chemical sensors have been installed in a portion of our rail system and are being tested in the system as a part of an effort to protect our customers, first-line emergency responders, and employees. The intent is to share the results of the program with the transit industry in this country and around the world.

In addition, WMATA has identified a number of enhancements to current security. Since you have asked the question about investment, we have a preliminary list of approximately $20 million for a series of security enhancements, including allowing us to provide the recording of security-related incidents. The 1,400 cameras that I mentioned do not have recording capabilities. We believe that we can enhance our security efforts by providing recorders to those cameras. Also, to provide intrusion monitoring capability, adding that same kind of technology at our rail yards and bus garages will help limit access in secure facilities to authorized personnel only.

We are currently completing a comprehensive review of procedures, facilities, and other security enhancements. We believe that other security options could be desirable, such as security cameras on our buses, a global positioning vehicle location system for our buses, and additional sensors throughout the system. The review is an effort to identify all other potential security needs and their associated costs. Of course, this would be in addition to the $20 million that I previously mentioned.

Completing this review and implementing additional security enhancements should go a long way toward reassuring our riders that public transit continues to be safe in the post-September 11 world.

Since September 11, we have done other things, such as providing a higher level of presence of the Metro police. We put them in bright orange-colored vests, together with our operations personnel, so that they are more visible to our customers. We are engaged in continued dialogue with our customers related to the security, asking them to be additional eyes and ears for us. We are doing additional risk assessments, and we have inplemented some new security measures in our headquarters.

What we learned on that day was that it is critical that there are reliable and redundant communication systems in place and that there is an open exchange of information with other local and Federal agencies. There does need to be a regional evacuation plan de-

veloped for this metropolitan area in cooperation with local, State and Federal agencies. Such a plan is now in development on an expedited basis.

Further, there needs to be regular and ongoing communication with our riders. We found the value of our website where we had double the number of web hits and user sessions on that day and also handled double the number of calls into our call center.

More broadly speaking, to improve safety, I believe that all transit properties should do the following:

Make sure that you do have good emergency plans. Make sure that you have a high level of employee training and awareness. There is no substitute for drill, drill, drill. Make sure that you have a high level of interagency coordination with appropriate police, fire and emergency rescue personnel. Know your partners, but, more importantly, have roles and responsibilities well defined and understood before an incident takes place. Make sure the communications systems, both internal and external, are adequate and in good working order.

To improve transit safety, echoing what we have already heard from Administrator Dorn and others, the Federal Government should consider the following:

Have FTA conduct a security readiness assessment of all transit systems, or certainly the largest transit systems. Have FTA provide technical assistance to systems in preparing good safety and security plans and in conducting training and drills. Have FTA be the facilitator of information through the exchange of national and international best practices through linkage with the Department of Transportation's Office of Intelligence and Security and the new Office of Homeland Security. Exploring and making best use of technology. Ensuring that the various Federal agencies with regulatory responsibility do coordinate their activities with the transit industry. Coordinating intelligence-sharing through partnering efforts with the FBI and other key Federal agencies. I would put an underscore on that particular item. Supporting necessary long- and short-term investments in order to provide enhanced security and expanded system capacity.

There was much talk of transit's ability to shape the nature of the first major transportation bill of the 21st Century, at the APTA annual conference this week.

In closing, I would like to propose that now is the time for the Nation to consider certain transit properties as a part of the national defense system, and to contemplate their value and needs as the evacuation method of choice, and possible necessity, during specific emergency situations. Every mode of transportation is important during emergencies, but transit has experienced the highest growth rate of any of the transportation modes over the last 5 years. It is able to move people more quickly and efficiently than congested roads and highways can. The Nation needs to view our transit systems in a national defense context in order to properly recognize the new reality.

Thank you for holding a hearing on this important subject. I look forward to answering your questions.

Senator REED. Thank you very much, Mr. White.

Now, I want to call upon full Committee Chairman Sarbanes for his comments.

STATEMENT OF SENATOR PAUL S. SARBANES

Senator SARBANES. Well, thank you very much, Mr. Chairman. I apologize for not being here earlier and, unfortunately, I am going to have to leave because of the press of other business. But I first of all want to underscore my appreciation to you for calling what I think is a very important and timely hearing.

Our Nation, of course, has experienced a daunting national tragedy. It is very difficult to find words to convey the devastation that occurred on September 11. It is now 3 weeks after that day and I am gratified to see that, while we continue to mourn those who are lost, we are proceeding ahead with the business of the country. This hearing reflects that.

We obviously need to focus since more and more Americans are relying on public transportation for their daily mobility needs. It is my understanding that the ridership is up now to a peak year since, when, 1946 or something?

Mr. MILLAR. In the last 40 years, it is the highest ridership at the current time since about 1960, 1961.

Senator SARBANES. That is right. So it is very clear that transit must be a vital component of any city for transit plans to begin with, and certainly, any emergency plans.

Today's hearing will focus on the security of the systems themselves, but we need to keep in mind the crucial role that a reliable public transportation network can play in responding to the demands of the traveling public.

Now, obviously, public transportation faces unique challenges in the safety and security area. Almost by definition, transit must be accessible to all who wish to use it. It runs on identified routes and at published times, it has to use an extensive network of roads and rails, spanning a wide geographic area. So, we have to do some very careful thinking about how we address the safety and security problems.

The United States has actually been largely spared from transit-related terrorism, some of which rail and bus attacks have occurred in other countries. I know that Mr. Molofsky, in his testimony, had a list of incidents. But compared to what has been experienced in European countries, it is a fairly short list, and some of it seems directly attributable to individuals of a deranged nature of one sort and another. Not that that makes it much better, but at least it is not perceived as part of some coordinated scheme.

Transit systems have taken steps to mitigate the risks, minimize the damages. Their efforts of course cover a wide range of things—improved technology, increased coordination among agencies, heightened awareness and training for transit personnel.

Mr. Chairman, I was very struck by this panel in terms of how specific and focused the recommendations of each of the three people at the table were in terms of what could be done. By happenstance, of course, the American Public Transportation Association just held their annual conference in Philadelphia and was able to focus in particular on this issue. But each of our witnesses at the table has really laid out a very detailed agenda of what can be

done and what needs to be done. And your holding this hearing will help to underscore that. It helps us also to provide an agenda to the Federal Transit Administration and to the Department of Transportation on how we may move forward.

There is tremendous expertise not only at the table, but also reflected by their colleagues across the country. And obviously, they are in a position to speak in a very knowledgeable way about things that can be done. So, I am hopeful, with your prodding and that of others here in the Congress, we can take some of these recommendations and move them very quickly into an action agenda.

Now, we will not be dealing with the reauthorization of transit. I mean, we are still in the authorization cycle, so that remains ahead of us. But there are obviously matters we can do in the short run. In the long run, we need to do a lot. We were already beginning to focus on that. I know of the Chairman and the Ranking Member's strong commitment to transit. And I very much look forward to helping carry through with that. But Senator Reed and Senator Allard, I think this is a very, very timely hearing and I appreciate your initiative in holding this hearing.

Thank you very much.

Senator REED. Thank you very much, Chairman Sarbanes.

Let me address a question to Mr. Millar. There is a differential between the way the Federal Government treats rail systems and bus systems in terms of the security policy and safety policy. Do you think there should be the same rules applied to bus systems, as well as rail systems?

Mr. MILLAR. Bus systems and rail systems are different. The technology is different, the operating environments are different. So, I do not believe that a single approach makes sense.

Where we are is that, historically, rail systems carried much larger numbers of people, and often had enclosed, fixed facilities and were viewed as more likely targets.

What we have learned in the last 3 weeks as we focused on the overall issues, and certainly, as my colleague, Mr. Molofsky, has pointed out, we certainly need to do a better job across the board, not just where the risk is the greatest.

Senator REED. I just want to be clear. Because they are different in many ways, you cannot apply the same rules.

Mr. MILLAR. Right.

Senator REED. But there are guidelines that the Federal Government promulgates, as I understand, for rail systems and they do not do that for buses. Would it be appropriate to have certain guidelines for bus systems that the Federal Government promulgates?

Mr. MILLAR. I was with you until "Federal Government promulgates."

Senator REED. Okay.

Mr. MILLAR. We as an industry have put together guidelines for our bus operators, regardless of size.

Senator REED. Right.

Mr. MILLAR. We are believers in voluntary compliance with those guidelines and working with our members to do it. Administrator Dorn said it best, though—no matter what our positions have been, everything has to be on the table. And we would anticipate working

with the Congress and the Administration on appropriate guidelines in that area.

Senator REED. The issue, and you suggested in your response, is what is voluntary and what is mandatory?

Mr. MILLAR. Yes.

Senator REED. And I hope that issue is on the table.

Mr. MILLAR. Yes, sir.

Senator REED. In that regard, before I turn to Mr. White and ask him to comment on this line of questioning, ask you to what extent do those bus systems meet what you would say is good practice out there? Is it 80 percent of them? 20 percent of them?

Mr. MILLAR. The largest bus systems in the country, the ones that probably carry 75 or 80 percent of the bus passengers in the Nation, are all members of our bus safety program and all practice the same kind of activities that served us so well by the rail systems on September 11. For the smaller systems, by and large, it is a new issue to them. But if I can judge what I heard from my members in the last few days, a very important issue for them.

Senator REED. The other issue, just to put it on the table, is not just the guidelines. It is also requiring funds to be spent on safety and security measures. Mr. Molofsky was quite specific to these issues. So let me turn to Mr. White. Would you comment on these issues?

Mr. WHITE. Yes, Mr. Chairman. We are an operator of both a heavy rail system and a large bus system. I would agree with the characterization of Mr. Millar as to, first, the differences between a rail system and a bus system and, second, the differences between a large bus system and a small bus system.

We already voluntarily comply. We already have system safety program plans for bus as well as rail and security plans for a bus, as well as rail. We have already taken that step. We have also signed up for the APTA bus review program, which is a very new program. We are one of the first properties to sign up. As a matter of fact, APTA is going to be conducting that audit within the next week or two.

We believe in being very proactive. We make sure that our bus system has the appropriate protections built into it. I agree that we need to move forward on a voluntary basis and maybe begin to differentiate a little bit between the larger systems and the smaller systems.

Senator REED. Thank you.

Mr. Molofsky, do you have a comment? I do not want to presume to know your answer, although it was pretty obvious.

Mr. MOLOFSKY. I appreciate you asking those questions.

It is unclear to us what exactly the field is in terms of those systems that are complying and exactly what they are complying with, even voluntarily.

Certainly, there are a number of the large systems that are probably exemplary. We do not think it is uniform even for those who have some plans in place.

Also, we would note that, as we set forth in our testimony and in correspondence to the FTA, the model bus plan, the model transit bus safety program that has been developed and circulated without our input, is pretty light on security issues and was pre-

pared without any input from the transportation labor force. So, I just want to underscore that.

We are prepared to work with our industry counterparts in the FTA to ensure that there are acceptable guidelines that meet the new security issues that we all face. But without a mandate, and the funds to go along with it, given the public interest and the public policy to maximize safety and security among all of our Nation's systems, we would fall short of what we owe the public and the ridership that we serve.

Senator REED. Mr. Millar.

Mr. MILLAR. May I comment further on that, Mr. Chairman?

Senator Reed. Yes, absolutely, sir.

Mr. MILLAR. Certainly, the Committee is going to want to look into the issue of what should the Federal Government pay for. Some things will be very obvious. I am sure there is no disagreement on major, multiyear, capital items or things like security cameras and the like. But how about the men and women to be on the other end of those security cameras?

One of the things the public expects is to see police in the stations ready and visible. That not only improves security, but also improves the sense of security. Right now, those are not costs that the Federal Government covers. So we certainly would support funding earmarked specifically for safety and security. However, we would recommend to you, that it may be more broadly defined than it is in current law.

Senator REED. Let me ask another question which goes to the oversight that the FTA performs for the Office of Safety and Security. They are responsible for developing at the Federal level these best practices, guidelines, and performing audits at the request of local transit agencies. I wonder—Mr. Millar, Mr. Molofsky, and Mr. White—what has been your experience with the Office of Safety and Security? Do they need additional legislative authority, additional resources, different emphasis?

Mr. Millar.

Mr. MILLAR. We have been pleased in the last couple of years that Safety and Security has gotten a great deal more attention. They have added additional staff. We would support additional staffing for those offices. We do believe that would be appropriate and necessary. I do not know that we have a specific recommendation at this point. We may be able to provide that later. But we do believe they need more resources, yes, sir.

Senator REED. Mr. Molofsky.

Mr. MOLOFSKY. I would agree. I would add that it is one thing to have a good plan. It is another thing for all of the people who work on the transit system to know what that plan is and be trained to implement it. And to that extent, more resources are needed both within the FTA's Office of Safety and Security and through FTA generally, to enable these systems to provide the appropriate training to make sure that the workforce is prepared to respond.

Senator REED. Thank you.

Mr. White I must say, I am a user of your system. When you own a 1991 Ford Escort, you find yourself using the system, sometimes unexpectedly.

[Laughter.]

It is a wonderful system. But would you comment now?

Mr. WHITE. Mr. Chairman, I hope we are at least as reliable, if not more reliable, than your 1991 Ford Escort.

Senator REED. Well, you are more reliable.

[Laughter.]

Mr. WHITE. I know that the Administrator said that they are evaluating the issue of personnel and manpower with the Secretary and the Office of Management and Budget. Ultimately, they would need to be the best judge of their needs. Certainly, it is a program that has grown quite large over the years with a very limited amount, if any, of additional personnel.

There seems to be a dependency on third-party consultants to provide the technical support to the Federal Transit Administration with its many oversight responsibilities. Given the increasing importance which we all must attach to the safety and security issue, I certainly would not be surprised if it were their conclusion that additional manpower was required.

Although one can benefit from independent help, you do need to have a fair amount of expertise on you own staff. I would hope that the FTA can satisfy themselves that they have an adequate amount of expertise.

Senator REED. Let me turn it over to Senator Allard.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman.

Mr. Millar, in your testimony, you talked about providing some audit services to your membership. We heard from the previous panel that they also provide audit services. Do we have a duplication of effort here?

Mr. MILLAR. I do not believe we do. The APTA program goes back to the mid-1980's. Much of what the Federal Transit Administration does, to my knowledge, is based on the guidelines that have been developed in the industry.

As I testified, representatives of FTA, as well as the DOT Office of Intelligence and Security, sit on our committees to make sure that we are coordinating properly. There are certainly transit systems that are not members of my association, but do receive Federal aid. And, quite properly, the FTA needs to assist in meeting their needs as well. So, I do not believe there is duplication.

Senator ALLARD. Let me understand this. There are people that are in mass transit that are not members of your association. You believe them to use the services provided by the FTA.

Mr. MILLAR. Yes, sir.

Senator ALLARD. Now your members, do they generally use your audit services and then supplement them with the FTA? Or do they just say, well, what you provide is adequate enough, we do not need to use the FTA's.

Mr. MILLAR. You have to talk in classes of our members. The commuter rail members use our services. The rapid transit and light rail members use either our services or Congressionally mandated State services that are based on ours. The bus services, I would think, generally speaking, would either use ours or the FTA. But I really do not know that they overlap between the two. I would be glad to get that information for you, sir.

Senator ALLARD. It would be helpful.

Mr. MILLAR. Sure.

Senator ALLARD. Thank you. Also, could you give us some estimate as to how many transit agencies have—we were just talking about safety plans in place. Of those who have safety plans in place, how many of them do you think are considering the possibility of terrorist attacks?

Mr. MILLAR. All the commuter rail systems have some form of safety plans. There is one brand new one that is in the process of putting theirs together now. All of the rail systems in the country have safety plans. To my knowledge, there are 26 of the major bus systems that are members of APTA and use our guidelines. I do not know how many bus systems that are not in our program may have their own safety plans underway. I do not believe we have that information.

Senator ALLARD. Thank you.

Mr. Millar and Mr. White, you must balance a lot of interests when you are putting together your safety plans. Your members not only operate mass transit systems, but also bus lines.

Mr. White, you alluded that you not only operate a large mass transit system, but also a lot of buses separately. And when it comes to terrorist attacks and safety plans and whatnot, do you find it difficult in establishing priorities between those two areas of service, or do you find that you can pretty well put together adequate safety plans, including consideration of possible terrorist attacks with both of those types of services that you provide?

Mr. WHITE. I guess Mr. Millar is looking at me, so, Senator Allard, I guess that is my cue to go first.

Senator ALLARD. You go first and he will wrap it up.

Mr. WHITE. Since my arrival at WMATA in August 1996, I have been on record, and stated before my arrival, that safety was my top priority. Coming into WMATA, it was clear that there were a number of issues that required attention. As I entered the authority, we were coming off of a very unfortunate incident where one of our rail operators lost their life.

Safety has had my utmost attention, and it is the highest priority of the authority for both bus and rail. I would admit that there are probably more things that still need to be done for both bus and rail. The bus system is much larger and deserves to get all the attention that it requires. I appointed a chief safety officer immediately upon my arrival and made that department a direct report to me. I might have been the first General Manager in the country to do that. A number of transit systems have followed since then. We have built that department up from about 7 or 8 people to about 25 people in just a couple of years.

Our police department—and I believe we have done an outstanding job that has been recognized. In a recent audit conducted by the General Accounting Office which looked at a number of our programs, including safety and security, their quote, which I think said it all, was an assessment by both FTA and APTA that we were, "very good in both safety and security."

We have done a number of things that are leading the industry in terms of best practices. We are not resting on our laurels. More

needs to be done. Quite frankly, much of it does require resources to accomplish.

Senator ALLARD. Mr. Millar, for your membership?

Mr. MILLAR. Yes. The transit systems around the country are controlled either as parts of city or county departments, usually, or as separate authorities with local citizens or local elected officials on the board. The budget battle is always there. I would not kid you, but based on what I have heard since September 11, everyone is understanding the need to rejuggle their budget priorities.

However, I anticipate that they will run into the stark reality, as I indicated in my earlier answer, in taking many of the steps to improve security. It is going to require very difficult choices between the amount of extra security one puts in place, which are generally operating costs, versus, let us say, the number of bus route miles that one operates, or the bus vehicle miles.

That will be a topic of conversation throughout the country, and I would encourage that as this Committee looks at this whole security issue, that we be realistic about the funding that is going to be necessary. We cannot kid the American public: To have good, safe, secure systems costs money.

Senator ALLARD. Where I see us struggling, if we look at Mr. Molofsky's figures there, most of the instances we see reported on there are actually on buses. But, then, you could have one incident on a train that could be more catastrophic than 25 incidents on a bus. And that is one of the things, Mr. Chairman, that we will have to struggle with and this Congress will probably have to struggle with.

Now, the country has more than 500 transit agencies running the gamut of really large, sophisticated agencies, like the one here in Washington, and then there are those that have smaller agencies, like the one I have in my hometown of Loveland, Colorado—Valentine capital, I might add. Do such desperate systems have very different emergency needs? And do smaller systems also have adequate access to technical and financial assistance, in your view, Mr. Millar?

Mr. MILLAR. In my view, there is certainly a difference in scale that results in a difference in need. But safety and security must be dealt with in every size property.

Americans tended to think that smaller communities in rural areas and perhaps places away from the largest cities were the safer place. Unfortunately, the history of our country in the last few years is terror can strike anywhere. So, we are working with the FTA and looking at regional meetings that might be easier for smaller members to get to. We have also recently amended our bus program to allow for joint bus audits of smaller communities. We tested that in the State of Illinois among small properties and it worked very well. We need to rethink where and when things can happen and who needs to know.

Senator ALLARD. I want to follow up on the smaller systems, like my hometown. They are relying pretty much, from what I can tell, on their local police departments and maybe the sheriff's department in some instances, to provide the safety requirements to at least be a participant if there is a terrorist act or some kind of event that occurs on those systems. In your view, do you believe

local law enforcement is prepared to respond to these situations? And would you comment a little bit about how much coordination and planning is happening right now between these smaller transit systems and local law enforcement?

Mr. MILLAR. I am certainly no expert on the capability of law enforcement in smaller communities. I can tell you, as a General Manager, as I was for many years in a larger community, that it is only in recent years that law enforcement in my experience has begun to come to grips with terrorism. And of course, that is because we have all learned a lot more there. So, I would anticipate that there would be more need to train law enforcement officers, particularly in smaller communities, who may not have had to face this before.

I would think that we need to look to partnerships. For example, one of the things that we used to do when I was in Pittsburgh was do joint exercises with the surrounding transit agencies. They were very small, we were very large, so that we could share our expertise and knowledge. As Mr. White testified, and I alluded to, having the relationships established with local police, local fire, and local emergency workers, long before there is a need, becomes key and becomes critical, and that is true whether you are talking about the largest systems or the tiniest systems.

Senator ALLARD. Thank you, Mr. Chairman.

Senator REED. Thank you very much, Senator Allard.

Let me follow up quickly with just a few questions.

Mr. Millar, you may not have these numbers, but if you could get them to us, we would appreciate it. Generally what on average does a transit system spend on security, if you look across the Nation? And then, if you could help us, is it adequate?

Mr. MILLAR. I really do not know, but we will be glad to get that for you, sir.

Senator REED. Thank you. And also, if you could help give us your perspective as to what might be an adequate level. I know it might change system by system, but give us an idea.

Mr. MILLAR. Yes, sir.

Senator REED. Mr. Millar, you suggested, and Mr. White and Mr. Molofsky, that there might be some comments you would like to make informally. We will arrange, subject to our procedures, for an opportunity to get your informal feedback, which you might be able to share some details we cannot share now.

Mr. Molofsky, you also indicated that one of the key elements is training of transit operators, the whole workforce. Is there any system in particular that you would point out as being a model of that, an exemplar of that system?

Mr. MOLOFSKY. I am sitting next to one.

[Laughter.]

Senator REED. Good.

Mr. MOLOFSKY. WMATA is a good example. I just want to add another note on that.

Senator REED. Please.

Mr. MOLOFSKY. We know that Lamar, Colorado is not Pittsburgh, Pennsylvania. And we know that systems of different sizes are going to require different kinds of plans and programs requiring more or less amounts of money.

The point I want to emphasize is this. Just as the local police in Manchester, Tennessee, responded very effectively to the Greyhound incident, we believe that local law enforcement can respond to incidents as they occur. We have the highest regard for the police force in this country.

However, at the same time, what we are stressing is the need for a set of standards, of requirements for the transit systems, both large and small, to convey to their workforce to have in place the kinds of security systems that make sense for that community. We are not saying that Pittsburgh's system should be applied to the smaller towns in other parts of the country. But as we speak and as we sit here, the bus systems and bus drivers, which are highly exposed on the Nation's roads, are not working for systems that are required to have appropriate programs in place. And that is where we are pledging today to work with the industry and the FTA to identify what those kinds of programs should be and look for the resources to make sure that they can provide them.

Thank you.

Senator REED. Thank you.

Finally, Mr. White, you alluded to one of the key elements in your ability to respond so effectively, was redundant communications. And I am just wondering, Mr. Millar, Mr. Molofsky, Mr. White, is that a problem in other systems? Obviously, it was not a problem in Washington, thank goodness.

Mr. Millar.

Mr. MILLAR. Everything we have heard from our members is that that is essential because cell phones might work one place, radios another, land lines another. Ten minutes from now, what worked 10 minutes ago does not work, but something else has come back on-line. So, yes, redundant communications are essential.

Senator REED. And I presume that is another resource challenge in terms of getting that in every system, from Lamar, Colorado, to Pittsburgh, Pennsylvania.

Mr. Molofsky.

Mr. MOLOFSKY. It is not just communication between the driver and the transit authority and the enforcement agencies. It is communication that allows the transit agencies themselves, the GPS and other systems, to track the equipment that is on the street. This is important for Greyhound, as we have learned and had reinforced yesterday, and it is equally important for our transit systems. And Mr. White emphasized it and we think it is an important program that should be supported around the country.

Senator REED. Mr. White, a comment or anything else that you might want to add at this juncture?

Mr. WHITE. Mr. Chairman, I would go back again to stressing the importance of interagency coordination. You have heard a number of us speak to that and, clearly, the Administrator has spoken to that. To emphasize the point, make sure that everybody has practiced well so that when you show up on the scene, people are not fumbling all over one another trying to find out who has jurisdiction on the scene.

That is absolutely critical, and only comes from training and coordination, actually, inter-personal relationship. You need to know

these people because they are going to be your best friends. It is going to be a mutual-aid society, and that is essential.

Another issue—you have to understand the nature of the world that we live in here in Washington, DC—we have found, of course, to be of tremendous assistance to us, is the sharing of intelligence information. That is absolutely critical. Although one can never guarantee that you can prevent something from happening, the best place to start is on the front end, to know that you should be on the look-out for something, rather than on the back end, trying to respond to something that happened. So that is very important.

Senator REED. Well, thank you, Mr. White, Mr. Molofsky, and Mr. Millar, for your excellent testimony. The good news, I believe, is that we are aware of the very serious threat to the security of the public as they try to move about this country. With that knowledge, I hope that we can go forward and do more to ensure their security and safety. But it is a very difficult and daunting task, as suggested by you gentlemen and Ms. Dorn.

And Senator Allard and I obviously pledge our best efforts to work with everyone to ensure you have the resources and the direction to go forward and to ensure that we do all we can to prevent any type of possible incident on our transit systems throughout the United States.

Senator Allard.

Senator ALLARD. Mr. Chairman, just to kind of bring this to a close here. It is obvious that there has already been a considerable amount done and thought put in by the industry. I want to congratulate you.

But after September 11, things have changed. Certainly it is appropriate for us to review carefully the new situation that now exists in this country. I am pleased with the comments from the Chairman. We will carefully review what was said here and carefully review as far as your industry is concerned and see what there is that we can do to be helpful in this effort to make our transit systems safer.

Thank you.

Senator REED. Thank you, Senator Allard.

This hearing is adjourned.

[Whereupon, at 4:07 p.m., the hearing was adjourned.]

[Prepared statements, response to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF SENATOR DEBBIE STABENOW

Thank you, Mr. Chairman. I am glad you have called this hearing and I appreciate our witnesses coming before the Subcommittee today.

September 11 will certainly be remembered as a day that changed our Nation forever. As we continue to grieve the lives lost in this horrendous attack, this Congress also has come together to tackle the serious security and anti-terrorism issues that must be addressed, in order for our Nation's business to go on.

One of the issues foremost on our minds is addressing the public's safety. Whether it is on our Nation's airplanes, trains, and buses, in our offices and Federal buildings, or even in our football and baseball stadiums, this attack has made us all feel vulnerable. We must remember that terrorism is only victorious when it makes us fear and question the way we conduct our daily lives. Our daily commute to work, weekly trips to the grocery store, weekend football games—all of these things must go on, if we are to defeat this insidious threat. That is why it is paramount that we reassure Americans of the continued safety of our Nation's public transportation system.

Millions of Americans rely on our Nation's buses, subways, and commuter trains every day to travel to their homes, schools, and jobs. While the U.S. transit systems have fortunately not been the focus of terrorism, buses, trains, and subways have long been targets of terrible attacks in such countries as Israel, France, and Japan.

Many of our public transportation systems have responded to the growing threat of terrorism, and have added additional training and security programs to protect passengers, employees, and facilities from the devastating consequences of a terrorist act. In the wake of this terrible tragedy, we need to expand and support these efforts to protect the public's safety.

Mr. Chairman, I also would like to commend both the Washington Metropolitan Area Transit Authority (WMATA) and the New York City transit authorities for responding quickly and effectively to the September 11 attacks.

After the Pentagon was struck by the hijacked airliner, WMATA closed the Pentagon Metrorail Station and delivered engineers to assess the structural damage. The system also provided buses to help transport those injured at the Pentagon to area hospitals, and provided several Metrobuses to assist DC Metropolitan Police in moving personnel to several locations throughout the District.

Both Washington and New York transit systems also helped passengers safely return to their homes and their loved ones within hours of the attack. Even in the wake of these horrible attacks, the Washington and New York City transit employees kept these regions moving, safely, and efficiently.

I know the witnesses before us today have an impressive breadth of experience on this topic, and I look forward to hearing their ideas and insight for helping maintain the safety of our Nation's public transit systems.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF SENATOR JON S. CORZINE

Chairman Reed, thank you for calling this hearing of the Subcommittee on Housing and Transportation to discuss the safety of our transit systems. This is a critical question for this Subcommittee to consider in the aftermath of the horrific attack on our Nation on September 11 and I look forward to hearing the testimony of Federal Transit Administrator Dorn and the other witnesses.

Mr. Chairman, we saw what a vital role our mass transit system can play in the events that unfolded on September 11 when, in both Washington and New York, trains and buses helped ease the crush of the thousands of people leaving their offices at the same time, trying to get home to their loved ones. I can tell the Committee that, in the aftermath of this attack, mass transit ridership into New York City remains at high levels.

We have to make sure that mass transit will be able to continue to play such a vital role. That cannot happen unless people know that the trains, buses, and ferries they are riding are safe.

That is why I am glad to hear from the witnesses today and I look forward to considering how the Federal Government can help to keep our Nation's mass transit systems safe and secure. But I want to point out that any look at the security needs of mass transit must eventually consider the need for increased rail construction.

Mr. Chairman, one of the many lessons we learned from this tragedy in my home State is how much of a strain a terrorist attack can put on a mass transit network. While I am proud to say that the State agencies that coordinate transit between New York and New Jersey—New Jersey Transit and the Port Authority of New

York and New Jersey—met the challenge, it is clear that this overloaded infrastructure needs to provide more options to get people off the road.

Mr. Chairman, we need to ensure that there are enough rail lines to support cities like Washington and New York both during normal times as well as in emergencies. That is why I am supporting major rail projects for the New York metropolitan area such as building a rail tunnel under the Hudson River from New York into New Jersey. Such a project is necessary to help the metropolitan area meet this new demand and I will be working to secure funding for it in the future.

Only by increasing the availability of mass transit, as well as increasing security on buses, trains, and ferries, can we say that we have a safe and secure transit system.

PREPARED STATEMENT OF JENNIFER L. DORN

ADMINISTRATOR, FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION

OCTOBER 4, 2001

Mr. Chairman and Members of the Subcommittee. Good afternoon. Thank you for the opportunity to testify on behalf of the Federal Transit Administration regarding the security of our Nation's transit systems.

Every year, America's public transportation systems carry more than 9 billion passengers and employ nearly 400,000 people. It is estimated that our public transportation infrastructure—subways, light rail, buses, ferries, and commuter railroad services—is valued at hundreds of billions of dollars. Ensuring the security of the Americans who depend upon this infrastructure, as well as the security of these important assets, has always been an important duty of every transit agency, but the events of September 11 have proven to all of us this responsibility must receive even more attention and resources in order to keep our communities safe and moving.

I want to express my personal gratitude to our transit colleagues in New York and Washington DC, who had emergency response plans in place and the courageous leadership to take action when the unimaginable happened. We have all been riveted by stories in the press about the heroes of September 11. I have one more I would like to share.

At 8:52 a.m. on September 11, minutes after the first hijacked jet plowed into One World Trade Center, a Port Authority Trans-Hudson (PATH) train master gave life-saving instructions to conductors and operators.

A train from Newark, carrying about 1,000 passengers, had just pulled into the station below the World Trade Center. The train master told the crew to keep everyone on the train, board everyone in the station, and immediately depart for the Exchange Place stop in Jersey City. Public transportation employees immediately evacuated passengers who mistakenly left the train.

A train from Hoboken carrying another 1,000 people was just behind the Newark train. The train master told that crew to keep the doors closed at the Trade Center and head immediately to Jersey City.

The train master then told another train in Jersey City to discharge all passengers and head back to the World Trade Center to evacuate remaining travelers and transit personnel. That train departed with its precious cargo at 9:10 a.m., 40 minutes before the first building collapsed.

That train master, Richie Moran, and PATH's emergency response plan, saved thousands of lives. As we watched the death toll climb in New York, it is astounding to realize that no one riding the PATH or New York City subway lines that morning was injured.

At the Washington Metropolitan Area Transit Authority, similarly quick action occurred. Within minutes of the Pentagon crash, all Metrorail trains were ordered into tunnels, where they would be safe from any further air attacks. Twelve minutes later, with the skies clear, Metro was up and running safely—once again.

The State Department reports that in 1991, 20 percent of all violent attacks worldwide were against transportation targets; by 1998, 40 percent involved transportation targets, with a growing number directed at bus and rail systems. The recent attacks on the World Trade Center and the Pentagon using hijacked airliners reminds us all that we must respond to a new terrorist reality—terrorism that is well-financed, well-organized, and ruthless. The credible threat of increasing terrorism directed toward our Nation's transit systems requires that we take immediate prudent action to prevent, prepare for, and respond to violence—the nature and magnitude of which was once unimaginable.

Today, I would like to share with you the immediate steps that FTA is taking to help keep our communities safe and moving, and to discuss some of the issues that we believe should be considered as the President and Congress examine the broader implications of the new terrorist environment.

I want to talk with you about the work we have underway to help our community public transportation agencies cope with this threat. There are 5 components to our security initiative: assessment, planning, technology, testing, and training.

First, assessment. Enhancing transit security must begin with an in-depth, professional assessment of the threats to and vulnerabilities of each transit system. This is not a "one size fits all" undertaking; every transit system has different components—tunnels, bridges, open rights-of-way—and different intersections with other means of transportation—connecting with airports, train stations, highways. Some of our transit systems are 100 years old and coping with design features that could never have anticipated even the criminal, let alone the terrorist, threats of today. Other systems are brand-new, built using security-minded design concepts and state-of-the-art technology.

In order to ensure an integrated, intermodal response to security concerns, Secretary Mineta has created the National Infrastructure Security Committee (NISC). The NISC's mission is to executive preemptive, preventive, protective, and recovery efforts for critical elements of the U.S. national transportation system. FTA is working with NISC, the States, and transit agencies to identify high value/high consequence transit operations, as well as their current protection strategies. An initial list has already been developed. We will be working with NISC and other Federal entities involved in such efforts to coordinate strategy and minimize duplication of effort. FTA will also be working with NISC to develop national standards for a prudent level of protection for categories of critical assets. We will work with our counterparts within DOT and in other agencies to identify and close the gaps in security.

The second component of FTA's security initiative is planning. Effective response to an act of terrorism requires instantaneous and sound decisionmaking in a volatile, high-pressure environment. Although our largest transit operations already have emergency response plans, small- and medium-sized transit agencies are not always well-prepared, and even our largest agencies need to reexamine their plans in light of today's potential threats. FTA plans to provide hands-on assistance to transit agencies as they develop and refine their emergency response plans in light of their security assessment findings and heightened terrorist threats. These plans serve as blueprints for action in the wake of an attack. They articulate the steps to take in order to notify authorities of the incident, evacuate passengers, protect personnel and equipment, activate a unified command and communications system among transit, police, fire, and emergency medical units, and restore the system to normal. In the wake of a terrorist attack or even a natural disaster, we cannot afford to lose precious moments simply trying to figure out what to do; plans must be in place.

The third component of our security initiative involves technology and capital equipment investments. FTA is evaluating the need for purchasing equipment and technology to enhance security and emergency preparedness. These acquisitions may range from personal protective equipment for train operators and station managers, to surveillance equipment for stations and facilities, to readying the latest chemical and explosive detection systems for deployment in transit systems.

The fourth component involves testing. When I visited with the New York transit officials in the aftermath of the World Trade Center attack, I asked them what advice they might share with other transit agencies based on their own experience. Their advice? In addition to having an emergency response plan in place, they recommend that every transit agency conduct regular emergency drills—not just fire drills—to keep skills sharp, update response plans, and build personal relationships with counterparts in the police, fire, and emergency medical response organizations. Although regular tests and drills are routinely recommended by security experts in FTA and elsewhere, there is nothing like hearing advice from people who have lived it. As a result, FTA plans to work with local transit agencies to conduct full-scale emergency drills to test their plans and equipment.

Finally, we will be offering additional security training and workshops. We intend to expand our free security and emergency response training to incorporate new security strategies and tactics, and to give more local transit employees the opportunity to attend emergency response training. It is imperative that we have a transit workforce that understands security issues and is fully prepared to respond should an emergency occur.

In an effort to assist transit operators around the country as they reevaluate potential security threats, their emergency response plans, employee training needs, and ways to both reassure and work with the public to reduce security risks, FTA

will soon be mailing a Security Toolkit to 600 transit agencies throughout the country. The toolkit will include resource guides, planning tools, training opportunities, and sample public awareness publications.

FTA is fundamentally a grant-making agency. We manage $8 billion in grants for programs ranging from the purchase of buses to the construction of new subway systems. We also provide training and technical assistance to local transit agencies. We are neither an operational agency, nor a traditional regulatory agency.

One of the greatest challenges that we all face is ensuring that the safety and security of our transit systems remains a high priority in years to come. The sustainability of whatever requirements, programs, and funding we put in place today must be considered as we move forward—particularly in light of the other costs that loom on the horizon. Although a number of brand new systems are being built throughout the Nation, we also have many aging systems that need rehabilitation and redesign. And figuring out a way to accomplish all that needs to be done will be a challenge for every level of government.

Let me close by, again, thanking the Committee for initiating this dialogue. I am eager to work with you to keep our communities safe and moving.

Thank you.

PREPARED STATEMENT OF WILLIAM W. MILLAR

PRESIDENT, AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

OCTOBER 4, 2001

Mr. Chairman, thank you for this opportunity to testify on the security and safety of public transportation systems. We commend Congress for its quick response to the horrific terrorist attacks on September 11, 2001.

About APTA

The American Public Transportation Association (APTA) is a nonprofit international association of over 1,400 public and private member organizations including transit systems and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and State departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products. Over 90 percent of persons using public transportation in the United States and Canada are served by APTA member systems.

Overview

Mr. Chairman, the APTA thanks you, and the Committee on Banking, Housing, and Urban Affairs, for crafting the Transportation Equity Act for the 21st Century (TEA–21), which has so effectively improved the industry's ability to meet demands for capital investment and service. The legislation has significantly improved our industry's ability to meet the growing demand for service in urban, suburban, and rural communities throughout America.

The good news is that TEA–21's increases in Federal investment and the predictability of those funds has paid off. Public transportation ridership is up 21 percent over the past 5 years, to the highest levels in 40 years. The Federal investments in TEA–21 and earlier legislation enabled the transit industry to develop new transit services, and to upgrade and modernize older transit infrastructure. This investment paid enormous dividends on September 11, when public transportation in New York City and in Washington, DC helped safely evacuate citizens from center cities. Indeed, this same story was true around the country, as transit systems quickly and efficiently evacuated people from closed airports and downtown areas. Mr. Chairman, we remember that the interstate highway program was begun by President Eisenhower as a national defense interstate highway program. We can now certainly recognize that public transportation too has a significant national defense component, and we are extremely proud of our transit systems in New York, Washington, DC, and around the country, and how they responded so successfully to the horrific events of September 11.

Post-September 11 Activities

Mr. Chairman, APTA was honored and pleased that Transportation Secretary Norm Mineta came to Philadelphia Monday morning to deliver the keynote address to our Annual Meeting where over 2,000 transit professionals gathered. He emphasized the importance of public transportation, and the critical importance of a

continuing focus on safety and security. In particular, he said "preparation equals performance," and I want to assure you that we are taking that message to heart.

Specifically, let me respond to the Subcommittee's questions regarding what steps APTA is taking to assist its members in improving safety, and what would be useful to transit systems in that regard.

- On September 19, 2001, we wrote to the Federal Transit Administration (FTA) offering our full support and cooperation as the FTA and DOT develop programs and priorities in response to the tragic events of September 11. In that letter, which is included as an attachment to this testimony, we provided an initial list of critical needs for transit-related safety and security functions. These include capital items, operational items, and research and development needs in the industry. Needless to say, considerable investment is needed to begin to make these items available throughout our industry.
- At APTA's Annual Meeting in Philadelphia, we added a special forum on the events of September 11, and how our transit systems responded so effectively to it. Officials from New York, Washington, DC, and other key cities discussed what they did in responding to the attacks and how they successfully evacuated citizens safely from center cities. Sharing critical information and best practices among our membership is one of the strongest resources we can provide as an association. We will be sharing these "lessons learned" with our membership and the Federal Transit Administration.
- Together with the Mineta Institute in San Jose, California, the American Association of State Highway Transportation Officials, and DOT's Research and Special Projects Administration, APTA will partner in a special invitation-only conference in Washington, DC in late October to focus on a Mineta Institute study on terrorism and how to respond to it. This is the beginning of a comprehensive industry effort to discuss security issues on an ongoing basis at meetings, seminars, and conferences around the country.
- Discussions are underway with the International Union of Public Transport (UITP) to coordinate efforts among transit systems worldwide to address safety and security issues.
- Finally, we will continue to work closely with the DOT and FTA in making certain that safety and security remain paramount issues in our industry and that programs being developed by the DOT reflect industry needs and operations. We understand that FTA hopes to make financial and technical assistance available to transit systems around the country to assess their state of readiness to meet security threats. We strongly urge that this initiative be properly funded. Moreover, FTA Administrator Jennifer Dorn also spoke at our Annual Meeting on Monday, and stated that FTA would be sending a "rapid response" toolbox to every transit system in the country, and we look forward to collaborating with the FTA in that effort.

Let me now outline for you some of the things we, as the association for the public transportation industry, do to promote safety and security in public transportation, and explain how these plans and programs address significant issues.

Safety and Security Plans

We are proud as an association to have established the industry standard for transit system safety program plans, which include security and emergency response elements. In October 1986, APTA initiated activities to develop a safety management program for the public transportation industry. A pilot program of high-level, formal safety audits were scheduled at six volunteer transit systems over an 18 month period. Upon completion of the pilot program, APTA's staff gathered information from the auditors and participants in the pilot audits, and produced a report, which recommended a course of action on safety accreditation. The APTA Manual for the Development of Transit System Safety Program Plans was a result of these recommendations.

The Manual serves several purposes. It establishes a recommended format for System Safety Program Plans (SSPP). The SSPP is developed by each transit system; it identifies all safety-related responsibilities, and assigns these responsibilities to proper areas within the organization. A transit system maintains oversight of its safety status and program to ensure all responsibilities are being carried out and coordinated. This process is known as System Safety. A transit system establishes a SSPP in a formal written document. It implements the SSPP by policy directives from the chief executive officer.

The APTA Manual assists transit systems with established System Safety Program Plans in the development and definition of their safety programs. It also provides tangible evidence to the public and governmental oversight agencies that the

transit industry possesses the means and expertise to develop sound, effective, proactive safety programs designed to reduce accident potential and increase the efficiency of transit operations.

A key element of the SSPP is security. Each transit system's safety program should provide a proactive, prevention-oriented approach to security. This element emphasizes the importance of identifying potential threats and areas of vulnerability, developing approaches that will minimize those threats and vulnerabilities, and demonstrating a clear and proactive approach to security.

Emergency Response Planning is also a primary component of any safety program. As such, it must be given constant attention. A typical process for the component includes an approved, coordinated schedule for all the emergency response elements. Meetings with outside agencies, emergency drills, and revision and distribution of Emergency Response Procedures are activities that are then scheduled on a periodic basis with necessary approvals and checks for completion built in. The safety unit of the transit organization is generally responsible for coordination of these types of emergency response functions. As part of the regular reports to general management issued by the safety unit, status reports on emergency response activities are included. These reports then provide an audit trail for both internal and external audits.

APTA Safety Management Audit Programs

Once having created a system safety program, the industry next turned to ways to make sure that systems were implemented in a comprehensive and voluntary way. As a result, the Safety Management Audit Program was created to equip transit systems with industry-created formats for developing a System Safety Program Plan (SSPP) and to provide formal evaluations on how well those System Safety Program Plans have been implemented. APTA has a Director of Safety and Security and a staff of auditors who carry out this work. The audit and program participation is completely voluntary and is supported by dues paid by industry participants. The audits are completed every 3 years. There are three different programs: the Rail Safety Audit Program, the Commuter Rail Safety Management Program, and most recently the Bus Safety Management Program.

So successful has APTA's SSPP and audit program been that the APTA system program plan format and elements within the Rail Safety Audit Program (including security) are officially recognized by the Federal Transit Administration in its Rail Safety Oversight regulation at 49 CFR Part 659 as a way of meeting the regulatory requirements for System Safety Program Plans for fixed guideway systems. The audit includes an extensive review of all safety-related functions of the organization, and provides a mechanism for continual improvement for system safety. However, since each system is unique, the plan must allow for differences unique to each system.

All but one of the Nation's 18 commuter rail systems participate in APTA's audit program, and we are in discussions with that remaining system. Moreover, all rail transit systems in the country participate either in the APTA Rail Audit Program or in State programs that follow the guidelines for system safety established by APTA. A similar program for the Nation's bus systems is being implemented by APTA. This voluntary program for bus operations similarly includes elements specific to security and emergency preparedness.

The APTA System Safety Program Plan format and elements within the Commuter Rail Safety Management Program (including security) are recognized by the Federal Railroad Administration as a way of meeting the guidelines for System Safety Program Plans for commuter rail systems. Each audit addresses policies, processes, and procedures set out in the transit agency's safety plan and includes a review of supporting documentation, interviews with agency personnel, and a variety of operational field observations.

Under our Safety Management Audit Programs, each transit operation receives the benefit of an independent evaluation of its safety management processes by a team of experienced safety personnel. This evaluation plays a critical role in optimizing safety practices at each system.

This evaluation assists each system's ability to demonstrate its diligence for safety and the ability of our industry to maintain self-regulation.

Other APTA Safety Initiatives

APTA has a Standing Committee on Public Safety that has a forum for industry personnel involved in policing and security functions to share information, experiences, and resources. This very active committee has subcommittees on Operations; Outreach; Professional Development and Strategic Planning. The committee also conducts a number of workshops and seminars on transit security in conjunction with APTA's conferences, and has a working partnership with other security/polic-

ing organizations including the International Association of Chiefs of Police, the International Railway Police, and the National Organization of Black Law Enforcement Executives.

APTA has developed a Safety & Security on-line "list-serve" resource that enables its members to request information and pose questions to industry peers on matters pertaining to safety and security issues.

APTA and its members have been instrumental in assisting the development and delivery of programs on transit system security as provided through the Transportation Safety Institute. Transit system personnel from numerous agencies continue to benefit from attending these training programs.

APTA and its members have also assisted in the development and delivery of the Land Transportation Anti-Terrorism Training Program that was a joint effort of the Department of Transportation's Office of Intelligence and Security, and the Federal Law Enforcement Training Center. Many transit system personnel are benefiting from their participation in this program.

Standard Setting

APTA is engaged in a broad-based standard-setting exercise in a number of significant areas, and clearly, standards play a key role in safety and security.

In 1996, APTA's commuter rail members voluntarily undertook an effort with $2 million of their own funds to create Passenger Rail Equipment Safety Standards (PRESS). Our commuter rail members are regulated by the Federal Railroad Administration (FRA), which participated in the development of these standards. These standards are reviewed in an ongoing effort and are updated as necessary. As part of the PRESS program, the FRA, APTA, and the commuter railroads recently collaborated on a series of 10 courses to prepare railroad employees to meet new industry-wide training requirements.

With the success of the commuter rail effort, APTA has turned to a similar initiative for transit rail equipment. Some 27 APTA rail members will be contributing over $3 million to develop a range of vehicle design and operational standards over the next 3 years.

In addition, APTA has just been awarded a $400,000 grant by the FTA to help establish interface standards in the transit industry for Intelligent Transportation System applications.

All of these standard-setting exercises help the industry bring a special focus to standardized products and services. These are activities that clearly help support safety and security goals.

Conclusion

Mr. Chairman, these are just some of the issues that we think can help improve safety and security of transit services. We again thank you and the Subcommittee for your commitment to investing in the Nation's transportation infrastructure and look forward to working with you on safety and security issues and on the reauthorization of TEA–21.

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Business Members

President
William W. Millar

September 19, 2001

The Honorable Jennifer L. Dorn
Administrator
Federal Transit Administration
400 Seventh Street, S.W.
Room 9328
Washington, DC 20590

Jennu

Dear ~~Administrator~~ Dorn:

Following up on our recent conversations, I write to formally offer the full support and cooperation of the American Public Transportation Association (APTA) and its membership as the Federal Transit Administration develops programs and priorities in response to the tragic events of September 11. We commend the leadership efforts of the Bush Administration in taking immediate action to keep our transportation systems secure and protected from terrorism. APTA and its members certainly share these concerns, and seek to work with you as you move forward in these efforts.

As you know, security and safety are paramount concerns in transit systems around the country, and I would be pleased to brief you and your staff on the experience of the industry. In that regard, enclosed is a list of some of the industry's security initiatives. Also enclosed is an initial list of ideas for safety and security programs developed through a quick survey of some of our members.

I also want to note that security, anti-terrorism, and emergency planning will be a key focus of our upcoming Annual Meeting. We are most appreciative of your participation in this meeting, along with Secretary Mineta and FRA Administrator Allan Rutter.

Again, I commend you for the leadership you are providing, and for your partnership with the public transportation industry. We stand ready to help and support you in these endeavors.

Sincerely yours,

Bill

William W. Millar
President

WWM/cbo
Enclosures

1666 K Street, N.W. Washington, DC 20006 Phone (202) 496-4800 FAX (202) 496-4324 www.apta.com

AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

September 19, 2001

The Honorable Allan Rutter
Administrator
Federal Railroad Administration
1120 Vermont Avenue, N.W.
Washington, DC 20590

allan -

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TRANSIT-RELATED SAFETY AND SECURITY FUNCTIONS: CRITICAL NEEDS

CAPITAL ITEMS

- **Surveillance equipment for transit facilities, vehicles and operations control centers**
- **Chemical-biological-radiological detection systems for transit facilities**
- **Clear, impact resistant sheeting for transit vehicle windows**
- **Application of CPTED (Crime Prevention Through Environmental Design) engineering concepts into new facilities and into retro-fitting facilities**
- **Supplemental bomb response equipment for appropriate transit security entities and police jurisdictions providing response support to transit agencies**
- **Trespasser intrusion detection systems for tunnel environments**
- **Compact respirators (quick masks) for first responders**
- **Auxiliary operations control centers for emergency scenarios**

OPERATIONS ITEMS

- **Funding support to enable transit systems to acquire resources to develop or refine system safety program plans**
- **Funding support to enable transit systems to acquire resources to develop or refine security plans**
- **Funding support to enable transit systems to acquire resources to develop or refine emergency preparedness plans**
- **Funding support to enable transit systems to recruit and hire appropriate safety and security personnel**
- **Funding support to enable transit systems to send appropriate personnel to safety and security training programs (staff replacement and travel costs)**
- **Funding support to enable existing transit safety and security training programs to be reviewed, updated and appropriately staffed for broader regional access**
- **Funding for national and regional symposiums and workshops on transit safety and security**

RESEARCH AND DEVELOPMENT NEEDS

- **First Responders Notification System**
  - **research, refine and adapt current communication technologies that enable first responders, police, fire, EMS, and transit agencies to interact with one another while en route to incidents and during incident management**

- **Personal Locator/ Chem-Bio-Radiological Detector**
  - **research, develop and test a personal portable locator device that could be worn or carried by first responders to provide an alert of the presence of chemical, biological or radiological agents and to provide a location signal**

- **Portable Detection Devices For Explosives**
  - **research, develop and test current or new technology into a more user-friendly hand held detection device for explosives**

- **Electronically Activated Aerosol Decontamination Systems**
  - **research and develop a portable electronic rapid decontamination system for use in transit facilities**

- **Robotic Device For Use On Varied Modal Transit Vehicles and Facilities**
  - **research, refine and test current robotic technology to traverse varied environments common to transit operations**

- **Remote Intrusion Detection Systems**
  - **research, refine current or new technology for trespasser detection into a portable format**

- **Wireless Remote To Disable Moving Transit Rolling Stock**
  - **Research, develop and test a wireless remote system to disable transit rolling stock in emergency situations**

PREPARED STATEMENT OF ROBERT A. MOLOFSKY

GENERAL COUNSEL, AMALGAMATED TRANSIT UNION

OCTOBER 4, 2001

Mr. Chairman and Members of the Committee, my name is Robert Molofsky and I am the General Counsel of the Amalgamated Transit Union, AFL–CIO, CLC, the largest labor union representing transit employees in the United States and Canada. It is my pleasure to appear here on behalf of our International President James La Sala to discuss the ATU's views and concerns about the safety issues facing the transit industry, as well as to offer recommendations for making our transit systems safer and addressing the heightened concerns in the wake of the September 11 terrorist attacks.

As the representative of over 175,000 employees in the transit industry, maintaining and operating bus, light rail, ferry, over-the-road bus, school bus, and paratransit vehicles throughout North America, the ATU views the safety and security of these transit systems to be of utmost importance. As such, we are extremely grateful for this Committee's decision to hold this hearing today and for inviting the ATU to participate on this panel.

This is certainly a difficult time for those in the transportation industry, and indeed, for all Americans. It has now been 23 days since this Nation witnessed the horror of the events on September 11. Since then, President Bush, his Administration and this Congress have shown remarkable bipartisanship in their efforts to implement new counter-terrorism measures. The airlines, along with the assistance of the Federal Government, have adopted stringent new security measures to better protect America's air travelers. And transit systems throughout the country, with the full support and assistance of the ATU, have begun to reexamine existing security procedures and emergency preparedness plans, in the hopes of preventing further tragedy.

Despite all of these extraordinary measures being taken, we know that no one is immune from future attacks. Just this week, Bush Administration officials announced that there will likely be more terrorist strikes in the United States, possibly including chemical and biological warfare.

This is not news to the ATU or the transit industry, who for years have faced startling statistics and real life events that have put the industry on guard for the very real potential of terrorist or quasi-terrorist attacks.

According to the most recent records of the U.S. Department of Transportation's Office of Intelligence and Security, in 1998, attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks reported by the U.S. State Department. The Transportation Research Board found that 34 percent of the violent acts against transportation target rail and buses.

The devastating effects of such attacks against mass transportation have been seen throughout the world. Ongoing bombing campaigns directed at the Paris Metro have targeted trains, passenger terminals, and other rail facilities, resulting in hundreds of casualties. In 1995, between 5,000 and 6,000 people were exposed to sarin gas in the Tokyo subway system, resulting in 12 deaths and marking the first time chemical or biological weapons have been deployed on a large scale by terrorists. And in Israel and Britain, buses have too often been the unfortunate targets of terrorist bombings.

Mass transit systems in the United States have also figured prominently in many of these acts of terrorism and extreme violence. In a survey of transit agencies conducted in 1997, over 90 percent of the agencies surveyed said they had experienced bomb threats, more than 50 percent with hate crimes, and almost 30 percent with hijackings and multiple victim shootings. In responding to terrorist events, almost 60 percent of the transit agencies surveyed felt that they were not well prepared to deal with these kinds of activities. ATTACHMENT ONE summarizes some of the most violent attacks against mass transportation in the United States, beginning as far back as 1927, when two bombs exploded in two New York City subway stations, and as recently as May 2001, when a city bus in Los Angeles was hijacked by an armed gunman and crashed into a minivan, killing the minivan driver and injuring seven others.

Fortunately, these types of terrorist and quasi-terrorist incidents are rare. However, less severe forms of violence against the operators of public transportation vehicles are much more common. These frequent occurrences have plagued the transit industry in the United States for far too long. ATTACHMENT TWO summarizes some of the assaults against mass transit operators and vehicles that have occurred since last December, including the armed hijacking of a bus in Council Bluffs, Nebraska,

the stabbing of a SEPTA bus driver in Delaware County, Pennsylvania, the brutal beating of another SEPTA driver in Philadelphia less than 2 months later, and the recent shooting aboard a Greyhound bus at a midtown Manhattan terminal that wounded four passengers.

While the severity of these events may pale in comparison to the recent tragedies in New York and Washington, DC, these assaults are nonetheless a serious safety threat to transit personnel, passengers and to the rest of the traveling public who share the roads with our mass transportation vehicles. We saw the potential devastation that can result from such assaults in 1998, when a deranged passenger onboard a Seattle Metro bus shot and killed bus operator and ATU Local 587 member Mark McLaughlin, causing the bus to careen off a bridge and resulting in the death of one passenger and injuring 32 others.

Because public transportation brings masses of people together and is highly visible and familiar, it is an attractive target for crime. Transit operators, in particular, are often the victim of such crimes as they are forced to deal on a daily basis with passengers who become angry over bus fares, delays, crowded vehicles, and for various other reasons. Clearly, such crimes result not only in harm to the operator but also seriously impair the ability of that operator to safely transport passengers.

In response to the prevalence of such violent incidents, the Amalgamted Tranist Union has for years been steadfastly committed to addressing the threat of terrorist attacks against mass transportation and the growing rates of violence and assaults against transit workers and vehicles. In addition to raising awareness of the issue among our membership, the ATU has worked along with the transit industry to implement additional safety and security procedures in the workplace to protect our members. We have worked with and urged the Federal Transit Administration to include additional security measures in its model transit safety programs. And we have worked with Members of Congress to urge passage of legislation making assault against a transit operator a Federal crime, the same protection extended to airline pilots and flight attendants. Significantly, since 1998 with the passage of TEA–21, Congress, at our urging, has provided increased funding to the National Transit Institute, enabling it to provide important safety research and training programs to transit workers.

Over the last two sessions of Congress, we have also supported and urged passage of the Preparedness Against Domestic Terrorism Act, currently H.R. 525, originally sponsored by Congresswoman Tillie Fowler and presently sponsored by Congressman Wayne Gilchrest. This bill, which was unanimously approved by the Economic Development, Public Buildings, and Emergency Management Subcommittee and is now pending before the full Transportation and Infrastructure Committee, seeks to improve coordination of Federal efforts with regard to preparedness against terrorist attacks in the United States. As part of the development of the Domestic Terrorism Preparedness Plan required by this bill, an assessment will be required of the risk of terrorist and quasi-terrorist attacks against transportation, energy, and other infrastructure facilities, including passengers, personnel, and other individuals occupying such facilities. In addition, the bill requires an evaluation of available technologies and practices to determine the best means of protecting such facilities and persons from terrorist and quasi-terrorist attacks.

I want to take this opportunity to ask the Members of this Committee to urge their colleagues on the House Transportation and Infrastructure Committee, as well as the entire House of Representatives, to expeditiously pass this long overdue legislation or incorporate its provisions into other comprehensive security legislation under consideration. And, if this bill appears before this body, I ask that you and your Senate colleagues do the same.

While I have painted a rather grim picture of the security threats facing the transit industry, I would be remiss if I did not point out that the transit industry is one of the safest forms of transportation. In fact, according to the National Safety Council, riding a bus is 91 times safer than traveling by car and taking the train is 15 times safer than a car. One of the primary reasons for this unequaled safety record is the fact that the professional operators of transit vehicles are highly trained to drive defensively and anticipate potential safety problems.

Even in the face of the tragic events of September 11, public transportation systems in New York and Washington, DC responded quickly, reliably, and efficiently in evacuating people away from the affected areas and delivering them safely to their homes, churches, and other chosen destinations. We at the ATU could not be more proud of our members in these cities who stayed calm in the midst of this national tragedy and bravely performed the same important public service that they provide on a daily basis.

In addition to the commitment to employee and passenger safety demonstrated by New York City Transit and the Washington Metro Area Transportation Author-

ity, Federal laws and regulations requiring rail fixed guideway systems to have in place emergency management plans, were, in part, responsible for the successful way in which these transit agencies were able to handle the September 11 crisis.

But this does not mean that we are prepared to face what may come next. If the tragic events that unfolded before our eyes 23 days ago taught us anything, it is that we cannot rely on traditional notions of safety and security to protect us from those who are determined to terrorize America.

There must be a thorough reassessment of the threat posed to transportation facilities—mass transit in particular. We can no longer rely on these outdated studies from 1997 and 1998 [1] to tell us what needs to be done to make America's transit systems safe and secure. We urge this Committee and Congress to mandate such a study—either through the passage of H.R. 525, which I discussed earlier, or through new legislation specifically addressing the needs of mass transit.

With that said, there are several specific legislative and regulatory fixes that must be taken now to better ensure the safety of our transit systems. *This is not a time for Best Practices or Model Safety Plans!* There must be defined legislative and regulatory requirements with respect to the equipment, technology, training, and personnel needed to prepare, prevent, and respond to any future attacks or threats. ATTACHMENT THREE is a summary of the current Federal laws and regulations relating to transit security. We recommend that these laws and regulations be improved in the following six ways:

First, and foremost, the safety and security requirements which apply to rail fixed guideway systems should be extended to cover bus transit systems. There is currently no Federal requirement that bus transit systems prepare or implement security plans to protect and prepare bus operators and passengers in emergency situations. This is absurd given that 23 percent of violent acts against all modes of transportation occur on transit buses—almost 5,000 incidents alone in 1999, according to the FTA statistics.

Earlier this year, the ATU recommended just that action to the FTA, who, along with the transit industry and without any request for input by the affected labor community, is in the process of developing a Model Transit Bus Safety Program. ATTACHMENT FOUR is a copy of our recommendations to the Agency. As the ATU pointed out, the Draft Report most recently released by the Agency on April 20, 2001, is seriously lacking much needed security measures. In fact, the proposal put forth by the agency includes security measures only as a voluntary element of any transit bus safety plan.

While, the ATU acknowledges that transit bus systems vary greatly in services offered, size and resources, and thereby face different security threats, it is our contention that some basic security measures must be taken by all transit providers to ensure the safety and well being of both the operators of the vehicles, as well as the passengers.

All transit operators should be trained on how to handle potential incidents, including instructions on how to defuse situations involving angry or belligerent riders and how to identify and minimize potentially dangerous situations. Drivers should be given detailed protocols to be followed when a violent situation erupts, such as who to call first for backup, when to stop the bus, when to refuse service to a passenger, when other passengers should be evacuated from the vehicle, etc. . . . This training should be *required* as a basic element of any safety and security program.

In addition, all systems should, at a minimum, have a formal agreement with local law enforcement concerning coordination with transit personnel when security breaches occur. These agreements may be as basic or complex as necessitated by the individual transit bus system, considering whether the system has its own police force or security personnel.

Other security measures, including technological and design strategies such as lighting, cameras, panic buttons, alarms, and automated ticketing, should be incorporated as appropriate in every new or enhanced safety and security program. In implementing such strategies transit service providers should be *required* to consult with representatives of their employees to insure that the specific security concerns of both passengers and workers are identified and addressed.

Second, Federal law should be amended to require all transit systems in urban areas to spend a minimum percentage of their formula grant monies on security measures, without exception. While Federal law currently requires that at least 1 percent of such grants be spent on security measures, it allows an exception where

[1] *Synthesis of Transit Practice 27—Emergency Preparedness for Transit Terrorism,* Transportation Research Board (1997); *Worldwide Terrorist and Violent Criminal Attacks Against Transportation—1998,* U.S. Department of Transportation, Office of Intelligence and Security; *Transit Security Handbook,* Volpe National Transportation Systems Center (1998).

the grant recipient "has decided that the expenditure for security projects is not necessary." At a minimum, this decision should be left up to the Secretary of Transportation, not the individual transit agencies.

Third, Congress must appropriate sufficient funds to allow transit agencies to adopt and implement needed security improvements. Clearly, the above requirements mean nothing without the funds necessary to carry out the mandates. Resources must be made available for equipment needs, including the development of devices to detect the presence of chemical or biological weapons, as well as personnel and training needs. Specifically, we call upon Congress to increase funding to the FTA-sponsored National Transit Institute for expanded transit employee safety and security training. In addition, Congress should consider a supplemental appropriation to address the immediate needs of our urban systems to quickly upgrade their security systems. We are prepared to work with this Committee, Congress, DOT, and industry representatives to identify the level of emergency funding needed to satisfy these goals.

Fourth, the FTA should develop a National Transit Terrorism Threat Warning System, similar to the system developed by the Federal Aviation Administration to warn all operating systems that an attack may be imminent. The FAA system was critical in responding to the September 11 hijackings, allowing the Agency to immediately ground all flights and possibly averting further tragedy. Such a system operating in coordination with the appropriate Federal, State, and local law enforcement agencies would ensure the issuance of timely and accurate information required to put potentially targeted systems on high alert.

Fifth, Congress should Federalize penalties for violent assaults on transit operators. Despite the important public service they provide and the accompanying risks they face on the job everyday, transit operators receive very little protection under Federal and State laws. While a person who assaults an airline pilot or a flight attendant is subject to Federal penalties, the same deterrent is not applied to those who attack the bus and rail operators who transport us daily to work, home, shopping, medical facilities, and other destinations. Likewise, most State laws treat such attacks only as simple misdemeanor assaults.

And finally, the FTA must further improve its transit crime reporting systems so that the true extent of the threat can be assessed. While transit agencies are required to report crime statistics along with other information required by the FTA, many transit agencies, even those with police divisions, do not appear to have the capacity to produce reliable crime counts. This is primarily due to the absence of interagency exchange mechanisms to supply reports of transit crimes, which transit agencies simply never receive.

The ATU is committed to working with this Committee, Congress, the Administration, and the transit industry to see that these and other necessary steps are taken to improve the safety and security of this Nation's transit systems, personnel, and passengers. While we certainly hope that none of these plans or warning systems that we have recommended here today are ever tested, we must nonetheless take all necessary actions now to enable our transportation system to prevent, prepare, and respond in the event that we are faced with another terrorist or quasi-terrorist attack.

Thank you again for inviting the ATU to participate on this panel here today. We cannot stress enough how important it is to include the input of the labor community in this discussion. It is our members who are on the front lines of this battle and it is our members who know best what dangers they face everyday on the job. We look forward to working with all of you in the months and years to come to address the important issues raised here today.

We would be pleased to answer any questions you may have.

Attachment One

Major Violent Attacks on Mass Transportation in the U.S.

- August 6, 1927: Two bombs explode in two New York City subway stations, one in the 28th St IRT (Lex Line) station and the 28th St (B'way) BMT station. "[The bombs] injured many persons, one of them it was believed, fatally." (NYT 8/6/1927)
- December 7, 1993: Armed gunman, Colin Ferguson, kills 6 and injures 17 passengers aboard a Long Island Railroad train during rush hour.
- December 15 and 21, 1994: Edward Leary explodes two homemade bombs on the New York City subway system, injuring 53 people, in an apparent attempt to extort money from the New York Transit Authority.
- October 9, 1995: "Sons of the Gestapo" sabotage Amtrak's Sunset Limited train, causing a derailment in the Arizona desert, killing one and injuring 65 others.
- November 27, 1998: A deranged passenger on a Seattle Metro bus shot and killed bus operator and ATU Local 587 member Mark McLaughlin, causing the bus to careen off a bridge and resulting in the death of one passenger and injuring 32 others.
- May 2, 2001: A shooting suspect hijacked a city bus in Los Angeles and held a gun to the driver's head as police chased the bus through downtown until it crashed into a minivan, killing the minivan driver and injuring seven others.

Attachment Two

Recent Assaults on Mass Transportation in the U.S.

- **August 14, 2001**: An angry passenger sprayed pepper spray in the face of a bus driver in **Pompano Beach, Florida** after complaining that the driver was not driving fast enough. The bus driver and a female passenger with asthma were taken to a nearby hospital with trouble breathing. (Source: South Florida Sun-Sentinel, August 15, 2001)

- **August 6, 2001**: A man attacked and assaulted a bus driver in **Corpus Christi, Texas** when the bus driver told the man he could not give him change. (Corpus Christi Caller-Times, August 7, 2001)

- **August 3, 2001**: A Greyhound bus passenger opened fire on a bus arriving at a midtown **Manhattan** terminal, wounding four other passengers. (Source: Associated Press, August 4, 2001)

- **July 7, 2001**: A man slammed his car into the back of a Metro Transit bus in **Washington, D.C.**, then boarded the bus and attacked the driver, throwing him off the vehicle. The attacker tried to commandeer the bus but fled when he heard sirens approaching. (Source: The Washington Post, July 9, 2001)

- **May 2, 2001**: A shooting suspect hijacked a city bus in **Los Angeles** and held a gun to the driver's head as police chased the bus through downtown until it crashed into a minivan, killing the minivan driver and injuring seven others. (Source: The New York Times, May 2, 2001)

- **April 21, 2001**: A passenger punched a Metro Transit bus driver as he was exiting the bus in **Minneapolis** after the bus driver asked the passenger and his friend to move their legs because they were blocking the rear exit. (Source: WCCO 4 News, April 30, 2001)

- **March 24, 2001**: A **New York** transit bus operator was punched in the face numerous times after five men stopped the bus he was driving by standing in front of it and then pried the front doors open. (Source: New York Metropolitan Transportation Authority)

- **March 7, 2001**: A bus operator in **Louisville, Kentucky** was brutally assaulted by a passenger when he tried to collect the proper bus fare from the passenger. (Source: ATU Local 1447)

Attachment Two

- **March 6, 2001**: A SEPTA bus driver was *beaten* by a group of passengers who boarded his bus in **Philadelphia, Pennsylvania**. (Source: The Inquirer, March 7, 2001)

- **February 4, 2001**: A woman was *sexually assaulted* in the bathroom of a **New York**-bound Greyhound bus. (Source: The Boston Herald, February 5, 2001)

- **January 30, 2001**: Gunmen fleeing a robbery in **Hillsdale, Missouri** *fired at least one shot* at a moving bus, injuring a passenger aboard the bus. (Source: St. Louis Post-Dispatch, January 31, 2001)

- **January 29, 2001**: Passengers ducked for cover aboard a Pierce Transit bus in **Tacoma, Washington**, when *gunfire aimed at the vehicle* punched a nickel-sized hole in two ventilation windows some 18 inches above the seated passengers. (Source: Seattle Post-Intelligencer, January 30, 2001)

- **January 24, 2001**: Gang members *shot* at a group of rivals who were riding in a Durham Area Transit Authority bus in **Durham, North Carolina**, *injuring* a teenage girl and causing the bus driver to speed away with more than 20 passengers aboard. At least five bullets penetrated a side window of the bus. (Source: The News and Observer, January 26, 2001)

- **January 13, 2001**: A woman *stabbed* a SEPTA bus driver, Garfield Gilbert, in **Delaware County, Pennsylvania** after making fun of his Jamaican accent and making ethnic slurs. (Source: The Associated Press State and Local Wire, January 15, 2001)

- **January 5, 2001**: Commuter rail service was suspended for two hours at Wavelry Station in **Belmont, Massachusetts** while bomb squad officers investigated a bomb threat. (Source: The Boston Globe, January 6, 2001)

- **January 4, 2001**: A bus passenger *brutally beat* a Metro Transit driver, Ismael Ayoub, and *drug him off the bus* in **Minneapolis, Minnesota**, after becoming angry at having to wait for police to help Ayoub deal with some women who had refused to pay their fares and refused to get off the bus. (Source: Star Tribune, January 22, 2001)

- **December 20, 2000**: A 29-year-old man *hijacked* a Metropolitan Area Transit bus in **Council Bluffs, Nebraska**, ordered the bus driver to drive "expeditiously" to Omaha and *assaulted and threatened to kill* a female passenger on board the bus. (Source: Omaha World-Herald, December 23, 2000)

Attachment Three

Summary of Applicable Transit Safety and Security Laws and Regulations

Pursuant to **49 U.S.C. 5330**, all rail fixed guideway transit systems are required to have a safety plan, which includes a security component. Failure to comply will result in withholding of funds. Section 5330 reads:

Sec. 5330. Withholding amounts for noncompliance with safety requirements

(a) Application.--This section applies only to States that have rail fixed guideway mass transportation systems not subject to regulation by the Federal Railroad Administration.

(b) General Authority.--The Secretary of Transportation may withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under section 5307 of this title for a fiscal year beginning after September 30, 1994, if the State in the prior fiscal year has not met the requirements of subsection (c) of this section and the Secretary decides the State is not making an adequate effort to comply with subsection (c).

(c) State Requirements.--A State meets the requirements of this section if the State--

(1) establishes and is carrying out a safety program plan for each fixed guideway mass transportation system in the State that establishes at least safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the system; and

(2) designates a State authority as having responsibility--

(A) to require, review, approve, and monitor the carrying out of each plan;

(B) to investigate hazardous conditions and accidents on the systems; and

(C) to require corrective action to correct or eliminate those conditions.

(d) Multistate Involvement.--When more than one State is subject to this section in connection with a single mass transportation authority, the affected States may designate an entity (except the mass transportation authority) to ensure uniform safety standards and enforcement and to meet the requirements of subsection (c) of this section.

(e) Availability of Withheld Amounts.--(1) An amount withheld under subsection (b) of this section remains available for apportionment for use in the State until the end of the 2d fiscal year after the fiscal year for which the amount may be appropriated.

(2) If a State meets the requirements of subsection (c) of this section before the last day of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the Secretary, on the first day on which the State meets the requirements, shall apportion to the State the amount withheld that remains available for apportionment for use in the State. An amount apportioned under this paragraph remains available until the end of the 3d fiscal year after the fiscal year in which the amount is apportioned. An amount not obligated at the end of the 3-year period shall be apportioned for use in other States under section 5336 of this title.

(3) If a State does not meet the requirements of subsection (c) of this section at the

end of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the amount shall be apportioned for use in other States under section 5336 of this title.

(f) Regulations.--Not later than December 18, 1992, the Secretary shall prescribe regulations stating the requirements for complying with subsection (c) of this section.

The FTA, through **49 CFR 659**, requires rail transit systems to comply with APTA's "Manual for the Development of Rail Transit System Safety Program Plans" and to address the personal security of its passengers and employees.

Pursuant to **49 U.S.C. 5307(d)(1)(J)**, all transit systems, including bus transit, in urban areas, are required to spend 1% of all urbanized area formula grant funds received on security measures, unless they deem such measures unnecessary. The applicable provisions of section 5307 read:

Section 5307. Urbanized area formula grants

(d) Grant Recipient Requirements.--A recipient may receive a grant in a fiscal year only if--

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a chief executive officer of a State under this section) --

(J)(i) will expend for each fiscal year for mass transportation security projects, including increased lighting in or adjacent to a mass transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned mass transportation system, at least one percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

(ii) has decided that the expenditure for security projects is not necessary; and

(2) the Secretary accepts the certification.

Pursuant to **49 U.S.C. 5321**, the Secretary of Transportation is authorized to make capital grants available for crime prevention and security. Section 5321 reads:

Sec. 5321. Crime prevention and security

The Secretary of Transportation may make capital grants from amounts available under section 5338 [Authorizations] of this title to mass transportation systems for crime prevention and security. This chapter does not prevent the financing of a project under this section when a local governmental authority other than the grant applicant has law enforcement responsibilities.

Amalgamated Transit Union

5025 Wisconsin Ave., N.W., Washington, D.C. 20016-4139
202-537-1645 Fax 202-244-7824
Office of the International President

July 12, 2001

Harry Saporta
Director, Office of Safety and Security
Federal Transit Administration
400 Seventh Street, SW
Washington, D.C. 20590

Dear Mr. Saporta:

On behalf of the Amalgamated Transit Union (ATU), representing over 175,000 members maintaining and operating bus, light rail, ferry, intercity bus, school bus and paratransit vehicles in the United States and Canada, I am writing to commend the efforts of the Federal Transit Administration's (FTA) Office of Safety and Security in moving to improve transit bus safety through the development of a comprehensive model transit bus safety program, evidenced by the Draft Report prepared for the FTA as Task 3 of the Transit Bus Safety Program, issued on April 20, 2001.

Initially, however, I am compelled to state that we fail to understand why ATU and other transit labor organizations were not listed in Section 1.3 of the Draft Report, itemizing those organizations that have a role in transit bus safety and oversight. Even a partial listing of our activities, including efforts to enhance transit safety through the expansion of transit safety training programs for our members directly and through the National Transit Institute (NTI) and the provision of detailed guidance to our members on the implementation of and compliance with FTA commercial drivers license (CDL) and drug and alcohol testing rules, the Americans with Disabilities Act (ADA) and various Occupational Safety and Health Administration (OSHA) regulations, would support our inclusion. Most significantly, these efforts have often been taken in coordination and cooperation with the FTA and the transit industry.

It is crucial then that any efforts involving the development of safety and security standards and best practices for the transit bus industry, integrate the views of the workers providing the services, 90 percent of whom are unionized. Therefore, we respectfully request the FTA consider our comments, detailed below, on the FTA's Draft Report on the Development of a Model Transit Bus Safety Program.

Initially, let me take this opportunity to emphasize that the ATU is committed to improving safety and security for our members and the riding public. As the FTA has acknowledged, the transit bus industry is one of the safest forms of transportation. In fact, according to the National Safety Council, riding a bus is 91 times safer than traveling by car. One of the primary reasons for this unequaled safety record is the fact that the professional operators of transit vehicles are highly trained to drive defensively and anticipate potential safety problems.

Nonetheless, changes in the industry, including technological developments and greater customer demand for on-time performance, mean potential safety problems that must be addressed by policy leaders and transit providers. In addition, growing rates of violence and assaults against transit workers and vehicles require immediate attention and action. With more and more Americans using transit every year, the necessity for improved safety and security measures is essential to moving America safely to work, home, shopping, medical facilities and other destinations.

As such, it is the recommendation of the ATU that FTA (1) include minimum security measures as basic elements in any model safety program; (2) require the adoption of such safety and security plans, either by the states or the transit agencies, as a condition of federal transit funds; and (3) support the establishment of additional transit grants to assist agencies in implementing such safety and security measures.

While the ATU generally supports the safety measures encouraged by the FTA in its Draft Report, startling statistics and recent tragic events demonstrate the need for a much greater focus on transit bus security issues, which receive only nominal attention in the FTA report. Because transit buses bring masses of people together and are highly visible and familiar, they are particularly attractive targets for crime. In addition, transit operators often have to deal with passengers who become angry over bus fares, delays, crowded vehicles and for various other reasons.

According to FTA statistics, 23 percent of all violent acts against transportation occur on transit buses, accounting for almost 5000 incidents in 1999. The tragic results of such incidents are often seen on the nightly news or in the morning newspaper. Most recently, on May 2, 2001, a Los Angeles city bus was hijacked by a gunman and crashed during a police chase through downtown, killing one person and injuring seven others. Attached is a compilation of other violent incidents that have plagued the bus industry this year, as well as a listing of some major attacks against mass transportation.

In its report, FTA has included security measures only as a voluntary element of any transit bus safety plan. While, the ATU acknowledges that transit bus systems vary greatly in services offered, size and resources, and thereby face different security threats, it is our contention that some basic security measures must be taken by all transit bus providers to ensure the safety and well being of both the operators of the vehicles as well as the bus passengers.

Namely, all transit operators should be trained on how to handle potential incidents, including instructions on how to defuse situations involving angry or belligerent riders and how to identify and minimize potentially dangerous situations. Drivers should be given detailed protocols to be followed when a violent situation erupts, such as who to call first for backup, when to stop the bus, when to refuse service to a passenger, when other passengers should be evacuated from the vehicle, etc... This training should be required as a basic element of any safety program.

In addition, all systems should, at a minimum, have a formal agreement with local law enforcement concerning coordination with transit personnel when security breaches occur. These agreements may be as basic or complex as necessitated by the individual transit bus system, considering whether the system has its own police force or security personnel.

Other security measures, including technological and design strategies such as lighting, cameras, panic buttons, alarms and automated ticketing, should be encouraged as voluntary elements of the model safety program. FTA's model program should include more detail concerning the availability and effectiveness of such strategies. Transit service providers should then be directed to consult with their passengers and employees as to what additional equipment and security measures would be most effective towards identifying and minimizing potential threats and areas of vulnerability.

Once a final safety and security model is developed, it must be implemented in a manner that results in widespread adoption of safety and security standards while imposing only a minimal burden on the states and transit providers. In its draft report, the FTA proposed several possible implementation models for the transit bus safety program. The ATU strongly recommends adoption of either Implementation Model I or III.

Unlike Model IV, which would make adoption of safety and security measures voluntary and would impose costs solely upon the transit provider, Models I and III would both require adoption of FTA-defined safety standards as a condition of federal funds. Under Model I, FTA would require states, as a condition of federal funds, to adopt FTA-defined transit bus safety standards. Such a program has been successful in the intercity motor carrier industry

through the Motor Carrier Safety Assistance Program (MCSAP). Model III would require adoption of the safety standards by the transit providers as a contractual requirement for receipt of FTA funds. In addition, Models I and III would impose minimal burden on the states compared to Model II, which would require the creation of new state entities to enforce and monitor compliance with the requirements.

Finally, in order to ensure full compliance with the safety and security plans, as well as to maximize adoption of the voluntary safety and security elements by transit service providers, FTA must make grant funds available for the specific purpose of implementing these new safety and security measures.

In closing, I again emphasize the unyielding commitment of the ATU to the safety and well-being of the traveling public. I very much appreciate your consideration of these comments on the FTA's Draft Report on the Development of a Model Transit Bus Safety Program. Of course, if you require any additional information concerning our comments and concerns, please do not hesitate to contact this office.

Sincerely,

James La Sala
International President

kh/mg

Enclosures

PREPARED STATEMENT OF RICHARD A. WHITE

GENERAL MANAGER, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

OCTOBER 4, 2001

Chairman Reed and Members of the Subcommittee, good afternoon, and thank you for asking me to testify on the important subject of Transit Safety in the Wake of September 11. I am Richard White, and I am proud to serve as General Manager of the Washington Metropolitan Area Transit Authority (WMATA) here in the National Capital Region.

The events of September 11 have affected all aspects of national life. Daily and routine events like business trips, vacation travel, and commuting have been changed forever. Although WMATA handled its mission well on that tragic day, we now face altered expectations, especially from our Federal customer base. Safety and security are of concern for each of the 1.1 million daily trips on the system, and it is our obligation to continue to ensure that Metrorail and Metrobus operations provide our customers safe passage, so the important work of the National Capital Region can continue.

Before responding to your questions regarding safety, I would like to acknowledge the extraordinary efforts of our New York and New Jersey colleagues. They were heroes in their communities. Earlier this week I attended the annual meeting of the American Public Transportation Association (APTA) and heard firsthand some of the courageous and brave acts performed by transit employees, acts which saved thousands of lives that otherwise would have been lost in the subway tunnels that ran underneath the World Trade Center complex. In those and other systems across the Nation, America's transit customers were safeguarded on that sad day. And, Mr. Chairman and Members of the Committee, I believe that WMATA and transit systems across the country will play an even greater role in our national defense and national security in the months and years ahead.

On September 11, when WMATA was needed most, and amid regional chaos, Metrorail and Metrobus were ready, and delivered for the National Capital Region. We operated the equivalent of back-to-back rush hours virtually without incident, after the Federal Government and other regional employers sent hundreds of thousands of workers home around mid-morning. We were operating the entire day. We did what we do best. We moved large numbers of people safely and efficiently.

Throughout the day, the WMATA workforce performed extraordinarily. Not once did an employee put their own individual concerns ahead of their sense of duty to the customers. The transit police, the bus and rail operators, the station personnel, the customer service representatives—everyone—demonstrated their dedication to our mission of moving people safely and securely.

Further, we never lost communications throughout the day. We established and maintained contact with local, State, and Federal authorities, and we communicated with our riders through in-system messages, our phone system and over the Internet through the website.

WMATA, blessedly, suffered no property damage, no loss of life, and no injury to any of its employees nor to any of our customers on that terrible day.

I would be happy to provide the specific details of our actions that day, but now I would like to address the safety questions raised in your invitation letter.

The most significant issue facing WMATA is adapting to the post-September 11 reality that our freedom of mobility has been challenged. Security is paramount in the minds of our riders. WMATA is considered one of the safest transit systems in the country, but we are always reviewing ways to meet the obligation of providing greater security for the riders of the region's public transportation. Currently, WMATA does annual counter-terrorism training for police and operations personnel, does explosive device training, provides bomb containment trash cans, participates in numerous interagency disaster-related drills, has 1,400 cameras monitoring the rail system and participates in the testing of emergency technology. WMATA is partnering with the scientific community and the Federal Government in an ongoing program for chemical and biological protection. For security reasons I cannot discuss the details of this program, but chemical sensors have been installed and are being tested in the system as part of the effort to protect customers, first-line emergency responders and employees. The intent is to share the results of the program with the transit industry in this country and around the world.

In addition, the WMATA has identified a number of enhancements to current security. These enhancements, at a projected cost of approximately $20 million, will allow the recording of security-related incidents, will enhance the intrusion-monitoring capability in Metrorail, will add technology at rail yards and bus garages and will limit access to secure facilities to authorized persons only. We are currently

completing a comprehensive review of procedures, facilities, and security enhancements, such as cameras on buses, global positioning systems for buses, and sensor systems, in an effort to identify all other potential security needs and their associated costs. Completing this review and implementing additional security enhancements should go a long way toward assuring our riders that public transit continues to be safe in the post-September 11 world.

Since September 11 we have taken a number of actions to demonstrate to riders that we are prepared and are providing security. Our Metro Transit Police have assumed a higher level of recognition within the system, along with operations personnel wearing orange vests. The Metro Transit Police are providing the highest possible level of presence through the use of overtime. On Thursday, September 20, a "Dear Fellow Rider" letter was distributed to customers to engage them in our security efforts and to ask them to help to be our eyes and ears. We are reemphasizing security vigilance to all personnel and completing instruction as needed. We are conducting an updated risk assessment of facilities, and we have introduced new security measures in our headquarters building. Finally, we are actively engaged in a dialogue with others around the country and the world seeking best practices. Our objective is to be prepared and to reassure riders in the region that their freedom of mobility has not been compromised.

What we learned on that day was that it is critical that there are reliable and redundant communication systems and that there is an open exchange of information with other local and Federal agencies. There needs to be a regional evacuation plan developed in cooperation with local, State, and Federal agencies. Such a plan is now in development on an expedited basis in the National Capital Region.

Further, there needs to be regular and ongoing communication with riders. For example, we learned the value of our website, which had double the usual number of hits that day—over 23,000. Also, our telephone call center handled over 13,000 calls, almost twice the daily volume.

To improve safety, I believe all transit properties should do the following:

- Make sure they have good emergency plans. The Federal Transit Administration (FTA) requires two plans—a system safety plan and a system security plan. Every agency needs to have them and they need to be thorough.
- Make sure they have a high level of employee training and awareness. And, then, drill, drill, drill.
- Make sure they have a high level of interagency coordination with the appropriate police, fire, and emergency rescue personnel. Know your partners, and have roles and responsibilities well defined and understood before an incident takes place.
- Make sure communication systems—both internal and external—are adequate and in good working order.

To improve transit safety, I believe the Federal Government should consider the following:

- Having the FTA conduct a security readiness assessment of all transit systems.
- Having the FTA provide technical assistance to systems in preparing good safety and security plans and in conducting training and drills.
- Having the FTA be a facilitator of information through the exchange of national and international best practices and through linkage with the Department of Transportation's Intelligence and Security Office and the new Office of Homeland Security.
- Exploring and making the best use of technology.
- Ensuring that various Federal agencies with regulatory responsibility coordinate their activities with the transit industry.
- Coordinating intelligence sharing.
- Supporting necessary long- and short-term investments in order to provide enhanced security and expanded system capacity.

There was much talk of transit's ability to shape the nature of the first major transportation bill of the 21st Century, at the APTA annual conference this week. In closing, I would like to propose that now is the time for the Nation to consider certain transit properties as part of the national defense system, and to contemplate their value and needs as the evacuation method of choice, and possibly necessity, during specific emergency situations. Every mode of transportation is important during emergencies, but transit has experienced the highest growth rate of any of the transportation modes over the past 5 years. It is able to move people much more quickly and efficiently than congested roads and highways can. The Nation needs to view our transit systems in this national defense context in order to properly recognize the new reality.

Thank you for holding a hearing on this important subject. I look forward to answering your questions.

RESPONSE TO WRITTEN QUESTIONS OF SENATOR SARBANES FROM JENNIFER L. DORN

Federal law requires that transit grant recipients spend at least 1 percent of their formula money on transit security projects, such as "increased lighting . . .increased camera surveillance . . .[or] an emergency telephone line to contact law enforcement or security personnel." (49 U.S.C. 5307(d)(1)(J)). The law also gives the grant recipient the option to certify to FTA that the required security expenditure is unnecessary.

Q.1. What steps does the FTA take to ensure that transit agencies are making adequate investments in system security? How many systems have certified that this expenditure is unnecessary? Does the FTA review transit agencies' security plans before accepting the certification?

A.1. Every grantee receiving formula funds under 49 U.S.C. 5307 is required to certify that 1 percent of those funds is spent for security or that such expenditures are unnecessary. Although the FTA tracking system currently does not distinguish between transit systems that certify that the funds are unnecessary and those that expend the 1 percent, it is being modified to do so in the near future.

FTA verifies that a grantee is in compliance with its annual certifications as part of the triennial review process by examining each transit agency's security expenditures. Of the approximately 150 triennial reviews conducted in fiscal year 2001, FTA determined that three transit systems were not in compliance with their certification and were required to take immediate corrective action.

Section 5330 of Title 49, U.S.C., requires, among other things, that a State establish a safety program plan for each fixed guideway mass transportation system in the State. Pursuant to FTA's implementing regulation, each rail transit system must develop and implement a System Security Program Plan that is reviewed and approved by a State safety oversight agency. The State oversight agency submits an Annual Certification and Report to FTA in which it certifies the security oversight activities it performed during the year. Grantees receiving Section 5307 formula funds that do not have fixed guideway mass transportation are not statutorily required to develop a security plan.

Q.2. TEA–21 also allows FTA to make grants to transit agencies for the purpose of crime prevention and security (49 U.S.C. 5321). How many grants have been made pursuant to this section, and for what purposes? Under what criteria does FTA review these grant applications?

A.2. Pursuant to 49 U.S.C. 5321, funds for capital grants from amounts made available under 49 U.S.C. 5338 may be used for crime prevention and security. Thus, Section 5321 does not create a separate program, but makes crime prevention and security an eligible expense for FTA capital assistance. It is rarely possible to describe a project as serving crime prevention/security purposes exclusively. For example, automatic vehicle locating (AVL) systems are typically installed to improve transit operation efficiency, but have the added benefit of improving transit security. Similarly, radio systems permit the exchange of information in the event of equipment malfunction or other operational problems, and also per-

mit the reporting of emergencies and security incidents. Consequently, programs for improving or upgrading security are normally incorporated in a grantee's application for funds, which must meet the applicable eligibility criteria under the FTA's capital assistance programs.

RESPONSE TO WRITTEN QUESTIONS OF SENATOR CORZINE FROM JENNIFER L. DORN

Q.1. The Administration is establishing an Office of Homeland Security, What role will this office play in guaranteeing the safety of our mass transit system?

A.1. The Office of Homeland Security will coordinate the Executive Branch's efforts to detect, prepare for, prevent, protect against, and recover from acts of global or domestic terrorism within the United States. The Federal Transit Administration (FTA), through the Department of Transportation (DOT), will assist the Office of Homeland Security in developing and implementing homeland security activities and policies that will help to ensure the safety of the Nation's mass transit systems.

Q.2. What steps are the Federal Transit Administration and the Department of Transportation taking to ensure bus safety? Do you consider these measures adequate and, if not, what more do you think needs to be done?

A.2. Over the past several months, FTA has been developing a Model Transit Bus Safety Program in close coordination with the transit bus industry, including the Amalgamated Transit Union (ATU), Community Transportation Association of America (CTAA), American Public Transportation Association (APTA), and American Association of State Highway and Transportation Officials (AASHTO). The Program attempts to create a uniform and consistent transit bus safety program for the transit industry by offering core safety elements that every transit bus provider should have as part of a minimum safety program. FTA, ATU, CTAA, APTA, and AASHTO are in agreement these core elements include:

- Security
- Employee Selection and Training
- Vehicle Maintenance
- Drug and Alcohol Abuse Programs
- Safety Data Acquisition and Analysis

The Model Transit Bus Safety Program will discuss what measures should be undertaken by transit agencies in each of these core areas. Prior to the events of September 11, 2001, measures included elements that help prevent crimes against transit personnel and property. Now, the program also includes elements that help thwart sabotage and terrorist attacks against transit agencies, their employees, and the riding public. FTA will develop guidance documents that will discuss how each measure, including security measures, should be implemented by transit agencies. These guidance documents will be developed with the collective assistance of transit labor unions and transit industry representatives. In view of the events of September 11, development of the security guidance document will be expedited.

The FTA has received a commitment from the transit industry to promote and monitor the Model Transit Bus Safety Program. Accordingly, FTA believes there is adequate support from the transit industry to implement the model program without additional regulation. FTA will monitor implementation of the program and, in particular, progress made in the area of transit security.

Q.3. New Jersey Transit is facing additional ongoing costs related to the tragedy on September 11 at the World Trade Center. For example, New Jersey Transit has initiated a ferry service from Liberty State Park to lower Manhattan for its bus riders who can no longer travel through the Holland Tunnel. There is no additional fee to riders for this service, but there is a substantial cost to New Jersey Transit. In addition, New Jersey Transit is honoring Port Authority Trans-Hudson (PATH) fare passes on its Hudson Bergen Light Rail; again, without any cost to the rider but at a cost to New Jersey Transit.

What efforts are the Administration considering to reimburse these and other ongoing costs that New Jersey has incurred as a result of the tragedy on September 11? Would the Administration consider declaring New Jersey a disaster area, like New York, in order for it to be eligible for reimbursement for these costs?

A.3. The Administration has proposed that $4.9 billion of the $40 billion Congress recently made available in the 2001 Emergency Supplemental Appropriations Act be appropriated to the Federal Emergency Management Agency (FEMA) Disaster Relief Fund to support relief efforts in New Jersey, New York, and Virginia in response to the September 11 terrorist attacks. If appropriated, the funds will be used to rebuild damaged transit facilities and other critical public infrastructure, remove debris from the World Trade site, and help individual victims. The FTA has been informed that FEMA has authority under its Public Assistance Program to fund the capital and operating expenses incurred by State, local governments, and certain private nonprofit organizations associated with the provision of emergency transportation required as a result of a Presidentially declared disaster or emergency, FEMA has informed FTA that increased expenses incurred by a New Jersey public ferry operator or its contractor due to emergency transportation needs directly related to the September 11 disaster would be eligible under that program. The FTA strongly supports the Administration's position that funds be made available for relief efforts in response to September 11. We will continue to work with FEMA to identify funds that should be allocated to mass transit needs, including the provision of emergency transportation.

Q.4. Does the Administration support efforts to provide Amtrak with almost $1 billion for tunnel and life safety upgrades, as proposed by Senator Biden and by several other Senators? Does the Administration consider the condition of these tunnels—which lie along the Northeast corridor in New York, Washington, and Baltimore—to be a matter of transit safety, given the fact that the tunnels are shared by other transit systems?

A.4. Amtrak, an intercity railroad, owns the tunnels that lie along the Northeast corridor in New York, Baltimore, and Washington. The Federal Railroad Administration has regulatory responsibility

for ensuring the safety of these tunnels. The Railroad Advancement and Infrastructure Law for the 21st Century, S. 1530, was introduced on October 11, 2001, by Senators Hollings, Biden, Breaux, Cleland, Schumer, Kerry, Rockefeller, Carper, Jeffords, and Durbin. The bill, among other things, authorizes funding for Amtrak safety, security, and infrastructure needs and includes $998 million for tunnel improvements on the Northeast corridor. On October 15, the Rail Security Act of 2001, S. 1550, was introduced by Senator Hollings. This bill contains the identical provisions for tunnel improvements as S. 1530. The Administration supports the concept of strengthening and improving the safety of America's rail system, such as recognizing that funds would only become available if provided through the appropriations process. The Administration opposes the inclusion of nonsecurity/life safety-related infrastructure projects, or amendments that would repeal the regimen of fiscal discipline imposed by the current statutory requirements for Amtrak self-sufficiency, barring the establishment of an alternative that imposes similar discipline. Given Amtrak's severe financial difficulties, the establishment of such an alternative would be more appropriately fashioned through dialogue between the Administration and Congress in the context of an early reauthorization of intercity passenger rail programs.

Q.5. One concern in New Jersey is the need for additional rail cars and buses to deal with the crush of extra capacity as a result of the tragedy on September 11. Do you support providing additional funding to transit systems like New Jersey's that are experiencing these severe capacity problems so that they may buy the additional rail cars and buses they need?

A.5. As indicated in response to question 3 above, FEMA has authority under its Public Assistance Program to fund the capital and operating expenses incurred by State, local governments, and certain private nonprofit organizations associated with the provision of emergency transportation required as a result of a Presidentially declared disaster or emergency. It is FTA's understanding that the costs of additional rail cars and buses to address emergency transportation needs directly related to the September 11 disaster would be eligible under FEMA's Public Assistance Program. The FTA will work with FEMA and New Jersey Transit officials should New Jersey Transit apply to FEMA for such funding.

RESPONSE TO WRITTEN QUESTION OF SENATOR REED FROM WILLIAM W. MILLAR

Q.1 Generally, what on average does a transit system spend on security? And also, if you could help give us your perspective as to what might be an adequate level.

A.1. It is important to note that the Federal transit law (49 USC 5307(d)(1)(J)(i)) provides that at least 1 percent of the amount that an FTA grantee receives each fiscal year under the formula program must be allocated to security projects. In the event that the FTA grantee determines that such expenditure is not necessary, a request for exemption must be submitted to the Secretary of Transportation.

Beyond this Federal requirement, transit agencies provide for system security and policing in various ways. Some transit agen-

cies maintain dedicated transit police forces, some contract for policing services with local police jurisdictions and some contract for security services through private companies or maintain a mix of dedicated and contracted services. Smaller transit systems will typically establish a working demand-response community relationship with their local police jurisdictions.

In terms of quantifying capital funding expenditures for transit security, there is no comprehensive source of information that provides that information. Such expenditures and projects often are part of broader activities that can have a direct impact on security but are not considered "security" projects. An example would be the upgrading of radio communications. It should also be noted that transit agencies engage in security-related infrastructure funding campaigns that can vary widely from year to year depending upon the stages of infrastructure life-cycles and prior existence of security features.

In short, a definitive response to the question of security funding requirements for transit systems is difficult to determine as individual agency needs vary widely according to system configuration, service interface and complexity, demographics, system age, and regional disparities in funding availability.

Specifically in response to your question, however, APTA recently conducted a quick general survey of its members that included questions on security initiatives and funding levels. From this survey it appears that operating budgets for security and policing range between 2 percent to 5 percent of transit agency total operating budgets, but note the qualifying points we state above.

With respect to what might be an adequate level of funding for transit security funding needs that have arisen due to terrorist activities, enclosed is a general list of recommended requirements with estimated funding needs we recently compiled.

RESPONSE TO WRITTEN QUESTION OF SENATOR ALLARD FROM WILLIAM W. MILLAR

Q.1. Mr. Millar, in your testimony, you talked about providing some audit services to your membership. We heard from the previous panel that they also provide audit services. Do we have a duplication of effort here?

A.1. The previous panel noted that security-related audit services are available through the FTA upon the request of transit agencies. It is our understanding that the one-time audit services provided by the FTA relate specifically to security.

In contrast, the audit services provided by APTA are one component of our comprehensive APTA Rail, Commuter Rail, and Bus Operations Safety Management Programs. The APTA audits are conducted once every 3 years and address overall safety programs, policies, and procedures as they relate to prescribed elements of a transit System Safety Program Plan. Security and emergency preparedness are two of twenty-four elements prescribed in such plans. In our view, there is no duplication of effort between the audits of FTA and APTA. Indeed, the respective audits are complementary and provide transit agencies with an enhanced level of assessment of their security initiatives.

DRAFT

10/16/01

TRANSIT INDUSTRY SECURITY
FUNDING SUPPORT REQUIREMENTS - ESTIMATES BASED ON PRELIMINARY APTA SURVEY RESULTS

- **PERSONNEL** — *ONGOING COSTS = $500M*
  - staffing for increased security planning, surveillance, patrols, and response to alert notifications
- **TRAINING** — *ONGOING COSTS = $50M*
  - development and delivery of internal security programs
  - participation in established security programs external to transit agencies
  - internal and inter-agency emergency preparedness drills
  - national and regional security workshops/ symposiums through government, industry and partnered initiatives
- **TECHNICAL SUPPORT** — *ONE TIME COST = $100M*
  - security and emergency preparedness plan development/ refinement
  - comprehensive security needs assessments
  - infrastructure security plan development
- **INFRASTRUCTURE AND ROLLING-STOCK SECURITY** — *ONE TIME COST = $5.1B*
  - communications, surveillance, detection systems and equipment for enhancing security of rolling-stock, stations, facilities, rights-of-way, bridges tunnels, electronic and other systems
- **EMERGENCY RESPONSE SUPPORT EQUIPMENT** — *ONE TIME COST = $100M*
  - personal protective and detection equipment for personnel
  - support vehicles and equipment for emergency response and recovery
- **SUPPORT OF NATIONAL DEFENSE** — *ONE TIME COST = $50M*
  - development/ refinement of evacuation plans
  - mobilization of public transit systems for evacuation needs
- **AID FOR EXTRAORDINARY EXPENDITURES INCURRED** — *ONE TIME COST = $50M (not including NY, DC)*
  - many transit agencies have incurred significant expenses to date for extraordinary costs associated with security and recovery initiatives and are in need of cost relief
- **RESEARCH AND DEVELOPMENT** — *ONGOING COSTS = $50M*
  - research and development of systems that will enhance detection of security threats in mass transit environments

TOTAL = $6B