

OVER-THE-ROAD BUS SECURITY AND SAFETY ACT OF 2002

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JUNE 13, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3429]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3429) to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Over-the-Road Bus Security and Safety Act of 2002”.

**SEC. 2. EMERGENCY OVER-THE-ROAD BUS SECURITY ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of Transportation may make grants to private operators of over-the-road buses for system-wide security improvements to their operations, including the reimbursement of extraordinary security-related costs determined by the Secretary to have been incurred by such operators since September 11, 2001, and including—

(1) constructing and modifying garages, facilities, or over-the-road buses to assure their security;

(2) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(3) training employees in recognizing and responding to terrorist threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(4) hiring and training security officers or “bus marshals”;

(5) installing cameras and video surveillance equipment on over-the-road buses and at garages and over-the-road bus facilities;

(6) creating a program for employee identification or background investigation;

(7) establishing an emergency communications system linked to police and emergency personnel; and

(8) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) **FEDERAL SHARE.**—The Federal share of the cost for which any grant is made under this Act shall be 90 percent.

(c) **PRIORITY.**—In making grants under this Act, the Secretary shall give priority to private operators of over-the-road buses that have increased fares, or realigned budget priorities, to enhance bus transportation security from those in effect in calendar year 2001.

(d) **GRANT REQUIREMENTS.**—A grant under this Act shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

### **SEC. 3. PLAN REQUIREMENT.**

(a) **IN GENERAL.**—The Secretary may not make a grant under this Act to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(1) a plan of the operator for making security improvements described in section 2 and the Secretary has approved the plan; and

(2) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(b) **COORDINATION.**—An application for a grant under section 2 for security improvements within a terminal owned and operated by a port authority shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated its security plan for the terminal with the port authority.

### **SEC. 4. OVER-THE-ROAD BUS DEFINED.**

In this Act, the term “over-the-road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment.

### **SEC. 5. FUNDING.**

There is authorized to be appropriated to the Secretary of Transportation to carry out this Act \$200,000,000 for each of fiscal years 2002 through 2004. Such sums shall remain available until expended.

## **BACKGROUND AND NEED**

The latest figures from the American Bus Association demonstrate that the over-the-road bus industry, comprised of private bus operators, transports 774 million passengers annually. The industry’s 4,000 bus operators, using 40,000 motor coaches, transport more passengers than the airlines or Amtrak (650 million passengers). In addition, Greyhound Bus Lines and its interline partners take some of these passengers to nearly 4,000 destinations, more than 7 times the number served by air or Amtrak (when combined serve about 500 cities).

Recent terrorist acts on foreign buses and bus stations, demonstrate the necessity for bus security. In fact, an analysis of worldwide terrorist activities from 1920–2000 shows that 49% of terrorist attacks involve a bus or a bus facility. Moreover, as security on passenger rail and airlines increases, evildoers could shift to other modes of transportation for terrorist activities.

In the wake of September 11th, the Committee on Transportation and Infrastructure reexamined the security safeguards for the modes within its jurisdiction. With increases in aviation and rail security, the Subcommittee on Highways and Transit recognized that bus travel could pose an attractive alternative mode for terrorists and criminals. Terminals that have already implemented a passenger screening process have seen a rise in discarded weapons in bus station’s wastebaskets and property. Facility improvements and baggage screening are sure to become valuable security improvements when implemented.

H.R. 3429 authorizes \$200 million in each of fiscal years 2002 through 2004 to fund a bus security grant program administered by the Secretary of Transportation. Grants will be made to private operators of over-the-road buses for security improvements. The passenger surcharge, included within the introduced H.R. 3429, has been replaced by an authorization with a priority for grants to operators that have raised fares or realigned budget priorities to accommodate security needs. This priority, coupled with a 90/10 cost-share, will stimulate increased private investment—creating an equitable system for the benefit of the over-the-road riding public.

With so many Americans utilizing over-the-road buses to meet their transportation needs, it is necessary and appropriate for the federal government to utilize public resources to help satisfy the transportation security needs of the bus riding public, as well as provide incentives for increased private investment to enhance security.

#### SUMMARY

Section one states the bill title as “Over-the-Road Bus Security and Safety Act of 2001”.

Section two authorizes the Secretary of Transportation, the administrator of this program, to make grants to private operators of over-the-road buses for system-wide security improvements to their operations, including the reimbursement of extraordinary security related costs incurred since September 11, 2001. Eligible uses include: constructing and modifying garages, facilities, and over-the-road buses to assure their security; upgrade, purchase, or install manifest or ticketing systems; training and expanding the hiring of security employees; and implementing and operating passenger screening programs at terminals and on over-the-road buses. The uses listed within this section are not exclusive. Rather, the Committee intends to provide flexibility to the Secretary of Transportation in providing grants to be used for over-the-road bus security.

Paragraph (b) of section two establishes that the federal share shall be 90 percent of the grant. The Committee intends that an expenditure for prior year security improvements to a grantee’s operations would not fulfill the match requirements of this section, except when the Secretary grants a reimbursement of an extraordinary security-related cost incurred by a private operator of over-the-road buses.

During consideration by the Subcommittee on Highways and Transit, a priority for grant awards was added to H.R. 3429. Paragraph (c) of section two requires the Secretary to provide a priority to private operators of over-the-road buses that have increased fares, or realigned budget priorities, to enhance bus transportation security from those in effect in calendar year 2001. The intent of the priority is not to prohibit grants to private operators that have not utilized their capital for bus transportation security. However, the Committee acknowledges the likely limitation of funding availability and believes that the potential for federal assistance will provide an incentive for increased private expenditure for bus security.

The Committee appreciates that not all private operators of over-the-road buses charge a fare in the traditional ticket framework.

The term is intended to be broadly applied and include the variety of revenue collection methods used within the over-the-road industry. For example, over-the-road charter buses often charge one fee for the use of the entire bus, versus collecting a fare for each seat between two points. The Committee intends that this and other types of fees would constitute a fare.

When H.R. 3429 was introduced, there were concerns that an authorization for federal matching grants would not provide enough of an incentive for private operators to make substantial private investments in security. With that concern in mind, the introduced bill included a provision that established a 25-cent per ticket user-fee, for tickets costing more than \$5. Since the bill was introduced, several companies have raised fares or realigned their budget priorities to accommodate security needs. The Committee believes that a user-fee is unnecessary at this time and that a priority will provide the necessary incentive for continuing private investments.

Paragraph (d) of section two makes clear that grants made under this bill will adhere to the existing requirements for over-the-road bus operators under section 3038(f) of the Transportation Equity Act for the 21st Century.

Section 3 requires that over-the-road bus operators submit a plan to the Secretary prior to receiving grants. The plan must comply with the uses described within Section 2 and any additional information the Secretary deems necessary to ensure the accountability of amounts made available through the grant program.

During consideration by the Subcommittee on Highways and Transit, a coordination requirement was added for grants used to make improvements within a terminal owned and operated by a port authority. Paragraph (b) of section three requires the applicant, a private operator of an over-the-road bus, to demonstrate to the satisfaction of the Secretary that it has coordinated its plan for that terminal with the affected port authority. This provision is not intended to provide a port authority with an ability to prevent an operator from making necessary security improvements or to require the coordination of the operators entire security plan with an individual port authority. Considering the level of passengers utilizing terminals owned and operated by port authorities, the Committee expects that grants will be requested and provided for improvements within these facilities. The coordination requirement of this section will assist private operators and facility managers in using this funding to provide the greatest security benefit.

Section 4 defines an over-the-road bus as a bus characterized by an elevated passenger deck located over a baggage compartment.

Section 5 authorizes the appropriation of \$200 million for each of fiscal years 2002 through 2004, to the Secretary of Transportation to carry out this act.

#### HEARINGS AND LEGISLATIVE HISTORY

On December 6, 2001, the bipartisan leadership of the House Committee on Transportation and Infrastructure introduced H.R. 3429.

The Committee on Transportation and Infrastructure did not hold hearings on this bill.

## COMMITTEE CONSIDERATION

On May 16, 2002, the Subcommittee on Highways and Transit met in open markup session and approved H.R. 3429, as amended, by voice vote. On May 22, 2002, the Full Transportation and Infrastructure Committee met in open markup session and approved H.R. 3429 as amended, by voice vote.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

On May 16, 2002, Congressman Thomas Petri of Wisconsin, on behalf of himself and Congressman Borski, offered an amendment in the nature of a substitute during the Subcommittee on Highways and Transit's markup. The amendment removed the 25-cent user fee included within the introduced version of H.R. 3429, established a priority for grants, and made other minor changes. The amendment passed by voice vote.

There were no amendments offered or adopted during the Full Committee meeting held on May 22, 2002.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held no oversight hearings on H.R. 3429.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The objective of this bill is to provide federal funding to assist private operators in meeting the transportation security needs of over-the-road buses.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3429 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 11, 2002.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3429, the Over-the-Road Bus Security and Safety Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 3429—Over-the-Road Bus Security and Safety Act of 2001*

Summary: H.R. 3429 would authorize the Secretary of Transportation to provide grants to operators of over-the-road buses for improving the security of their buses and bus terminals. For these grants, the bill would authorize the appropriation of \$600 million over the 2002–2004 period.

CBO estimates that implementing H.R. 3429 would cost \$590 million over the 2002–2007 period, and an additional \$10 million in 2008. H.R. 3429 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3429 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 3429 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation). For this estimate, CBO assumes that H.R. 3429 will be enacted in fiscal year 2002, and that the authorized amounts will be appropriated for each year. We assume funds authorized for 2002 will be provided in a supplemental appropriation for that year. Estimates of spending are based on information from the Federal Transit Administration and historical spending patterns of similar programs.

	By fiscal year in millions of dollars—					
	2002	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization .....	200	200	200	0	0	0
Estimated outlays .....	1	89	140	180	120	60

Pay-as-you-go considerations: None.

Intergovernmental and private-section impact: H.R. 3429 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On May 13, 2002, CBO transmitted a cost estimate for S. 1739, a bill to authorize grants to improve security on over-the-road buses, as ordered reported by the Senate

Committee on Commerce, Science, and Transportation on April 18, 2002. S. 1739 is very similar to H.R. 3429; however, the Senate bill would authorize the appropriation of \$400 million over the 2003–2004 period, and the House bill would authorize the appropriation of \$600 million over that period. The estimated costs reflect this difference.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Teri Gullo; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3429 makes no changes in existing law.