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EMERGING THREATS TO RAIL SECURITY

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

JUNE 14, 2011

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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EMERGING THREATS TO RAIL SECURITY

TUESDAY, JUNE 14, 2011

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 2:53 p.m. in room SR–253, Russell Senate Office Building, Hon. Frank R. Lautenberg, presiding.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. My profound apologies. I know each one of you has worked hard to bring the information that we're looking for today to the forefront, and so again, my apologies. And the lack of presence here in no way suggests a lack of interest, but we did have a fairly difficult discussion that took place before the vote, so that's why there are some delays here.

But we're pleased to see you. And I don't think I have to strike the gavel to get order in the room. It looks like a pretty orderly group, so it counts.

Anyway, I thank you all for being here.

Six weeks after the American military's courageous and daring raid on Osama bin Laden's compound, one thing is clear: the ruthless killer is dead and gone, but al Qaeda, as we know, remains determined to strike the U.S. again. According to reports, documents recovered from bin Laden's compound show that he wanted to mark the 10th anniversary of 9/11 by attacking trains, surface transportation, in our country.

This discovery sends tremors down our spines, but it shouldn't surprise us. The choices they make for targets are those that have lots of people in the area and where they can inflict damage that will be felt throughout the area, throughout the country, even though it's in a relatively small bit of geography.

Terrorists have been focused on trains for years, and we've seen attacks overseas, including bombings in London, Mumbai, Madrid, and Moscow. Terrorists have attacked trains and buses 1,700 times—hard to imagine—worldwide since 9/11, and the attacks unfortunately took 3,700 lives. And trains have been targeted here in our country. Since 9/11, we've foiled several planned attacks on our public transportation network, including one last fall when the FBI arrested a man who was plotting to blow up four stations in Washington, D.C.'s own Metro system. We've got to recognize that our surface transportation network is enormous, heavily traveled, and is therefore an attractive target.

Americans take more trips on trains than other public transportation, than they do on commercial airliners. The public takes 700 million flights a year. But compared to 10 billion trips aboard subways, buses, trains, and other forms of public transportation, it shows you a relationship that should not and cannot be ignored.

Consider Amtrak's success. Last year, nearly 29 million passengers traveled aboard Amtrak, an all-time high, and a number Amtrak is projected to beat this year, and I can verify that because I use Amtrak regularly.

I came down yesterday. And forgive the light moment, but last week, while someone tried to get a couple of bags aboard, legitimate, the attendant in the train was left standing on the platform when the train left. So the bags were in, but the person working in the train, on the train itself was left behind. So I think there was a little bit of imbalance in terms of what was required.

Amtrak's passengers travel on 21,000 miles of track through 500 train stations. Our rail network is as vast as it is open, making trains appealing targets for terrorists.

Simply put, rail offers easy access and a chance to strike with high casualties. Make no mistake, the threat to America's rail network is real, and we've got to do whatever we can to keep it secure. At the federal level, this responsibility largely rests with TSA, Transportation Security Administration.

When we think of TSA, many only consider its work to secure aviation. But this vital agency has to protect our entire transportation system, including trains. Despite this, 98 percent of TSA's budget is dedicated to aviation security, leaving less than 2 percent for rail security.

So for years, I've been sounding the alarm that our attention has been too lopsided, too one-sided rather, and that we can't only focus on aviation security.

The Government Accountability Office agrees and has issued multiple recommendations in recent years calling on TSA to do more to safeguard rail and other surface transportation networks. TSA is taking steps to strengthen rail security, but the agency and the Department of Homeland Security still haven't carried out the many requirements outlined in the 9/11 Act, which became law in 2007.

Now, I'm committed to helping these agencies get the resources they need, but it's no surprise it's an uphill fight right now. The House majority, the House Republicans, recently voted to slash Homeland Security grant funding, including funding for public transportation security grants, in a move that would seriously undermine our efforts to keep Americans safe when they travel.

I want to be clear. We're going to do what we can to fight to defeat those cuts.

But we also need to know what TSA is doing to improve rail security now, including training employees, improving technology and infrastructure. So I look forward to hearing from Amtrak about what they and other train operators are doing to keep their passengers safe and secure. But I want to be sure that we cannot stand to take large cuts in resource, reductions in funding, and tell the American public honestly that we're doing whatever we can to protect them, and that's a fight that we all have to be engaged in.

Cuts are interesting. But if they're cuts to your body, to your basic operations, to the things that you do, they hurt, and we have to figure out a way not just to do the cuts but to do more to reduce our deficit and not contribute more to debt.

So it's a subject I take a great deal of interest in, and I'm going to work to see what we can do about making certain that we have the resources available to provide the quality and the kind of security that's necessary, and I know all of you agree.

So I look forward to hearing, as I said, from what Amtrak and other operators are going to do to keep passengers, or are doing presently to keep their passengers safe and secure.

And the timely arrival of our distinguished colleague, Senator Hutchison, and I would ask, if you have an opening statement, please offer that now, and we'll continue our process.

STATEMENT OF HON. KAY BAILEY HUTCHISON,
U.S. SENATOR FROM TEXAS

Senator HUTCHISON. I won't read my whole statement, Mr. Chairman, except to say that I'm glad that you're having the hearing. I won't be able to stay for all of it, but I think we all know that rail transportation has not been in the forefront of our transportation security efforts. I think aviation certainly has been dominant, and I do think that we need to see how we can do that more with the resources that we have, and I realize that the responsibility for all transportation is challenging, to say the least.

In addition to aviation, you've got trucks. You've got rail. You've got freight. So there is a big challenge, which we understand, but I am very concerned that we not leave it to chance and certainly that we put the effort into it, and especially I hope that you will address the issue of the DHS Inspector General recommending that the surface inspectors report to an official with surface responsibilities, as opposed to the aviation person, because there are differences. And I think with management, we certainly ought to be able to focus more efforts at the specific needs of surface, particularly in this case rail.

So thank you for calling the hearing, and I will look forward to seeing the testimony if I don't get it.

Senator LAUTENBERG. Senator Udall, your opening statement, if you'd like to make one.

STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO

Senator UDALL. We'll put the opening statement in the record, and let's get to the witnesses.

Senator LAUTENBERG. That's an uncommon but kind gesture.

And so now I acknowledge the presence of the witnesses, each one bringing significant expertise to the issue of rail security.

Mr. John Pistole, Administrator of the TSA, the Transportation Security Administration, and he will update us on TSA's rail security efforts.

Mr. Stephen Lord, Director of Homeland Security and Justice Issues for the GAO, the Government Accountability Office, and we'll listen with interest to your recommendations.

Mr. O'Connor, John O'Connor, Amtrak's Chief of Police, Acting Vice President of the Office of Security and Special Operations. Chief O'Connor will discuss with us the challenges facing Amtrak and the steps it's taking in light of emerging threats.

I thank all of you for being here.

Mr. Pistole, if you would, please begin, and we ask you to try to keep your remarks confined to 5 minutes.

STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. PISTOLE. Thank you, Chairman Lautenberg and Ranking Member Hutchison, Senator Udall. And thank you for your strong support for not only what TSA does but for our partners as we try to address the surface transportation issues that we're all so aware of.

So I'm pleased to appear before the Committee today to discuss the efforts of TSA in partnership with DHS, FEMA and Amtrak, and many industry leaders to provide mass transit and passenger rail security.

Last month the President announced the U.S. operation that resulted in the death of Osama bin Laden, and this effort marked an historic counterterrorism success for our country and for the world, as have the recently announced deaths of Ilyas Kashmiri in Pakistan and Harun Fazul in Somalia. Of course, we believe Kashmiri has been responsible for most of the western operations for al-Qaeda core, and then Harun Fazul, leader of the 1998 embassy bombings in East Africa and much of the al-Qaeda in East Africa work.

But our efforts to combat terrorism go well beyond any one individual, or any one of these three, which is why we remain focused on our critical mission of protecting the traveling public and our transportation systems. TSA will continue to evaluate security protocols based on the latest intelligence, and will continue to share information with stakeholders to enable them to enhance protective measures and surge resources, as appropriate. And, of course, we ask the traveling public to remain vigilant and report any suspicious activity to the police.

So, today I'm honored to appear with Chief O'Connor and Steve Lord to focus on mass transit systems and passenger railroads, which include subways, bus transit systems, ferries, Amtrak, commuter railroads, all of which, Mr. Chairman, as you noted, accounted for more than 10 billion trips for Americans last year alone. These systems are a critical part of the transportation network TSA works with our partners to protect.

They also remain a target, as you noted, for terrorist groups, and have been the subject of numerous plots in the U.S., unsuccessful, fortunately, as well as the successful attacks that you noted overseas in Spain, the U.K., India, Moscow and elsewhere. These systems serve large populations and major metropolitan areas, and many have substantial underground infrastructures. Bridges and transportation staging areas are hubs which can also be attacked. And, of course, the consequences of an attack on any one of these systems in our country could be devastating.

A critical component of TSA security efforts for mass transit and passenger rail is our partnerships with industry and local and regional stakeholders. DHS' comprehensive Transit Security Grant Program is currently the primary vehicle providing funding assistance for security enhancements to eligible transit agencies, supporting state and local government initiatives to improve security. TSA works with FEMA to fund projects that most effectively mitigate risk at the highest-risk systems.

For example, in 2010 DHS awarded nearly $274 million to the transit and passenger rail industry, bringing the total since 2006 to nearly $1.6 billion. In addition to grant funding, TSA supports the security of mass transit and rail systems by deploying Visible Intermodal Prevention Response teams, or VIPR teams, to augment local security efforts. And as you know, we currently have 25 dedicated VIPR teams in operation, and the fiscal 2012 budget request includes funding for an additional 12 teams.

In addition, TSA performs baseline and collaborative site-specific risk assessments for mass transit and passenger rail systems, engaging state and local partners on how to reduce their individual vulnerabilities, assess risk, and improve security efforts. These assessments are conducted with emphasis on the 100 largest mass transit and passenger rail systems in terms of passenger volume, which collectively account for over 80 percent of all users of public transportation. And, of course, among these assessments is a Baseline Assessment for Security Enhancement, or BASE, B-A-S-E, which is a comprehensive security assessment program designed to evaluate 17 security and emergency management action items that form the foundation of an effective security program.

We also work with our partners to assess risk and vulnerabilities in a number of other venues. We also work with the Federal Transit Authority and the Federal Railroad Administration, trade groups representing mass transit and passenger rail interests, and the transit and passenger rail agencies to improve security.

In closing, I would like to stress again that collaboration is crucial for the success of mass transit and passenger rail security operations. TSA will continue to partner with law enforcement, industry, state, local and tribal officials, emergency responders and federal agencies to foster regional security collaboration to integrate resources for enhanced deterrence and response capabilities.

Mr. Chairman, Ranking Member Hutchison, thanks for the opportunity to be here today.

[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Good afternoon, Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of the Committee. I appreciate the opportunity to appear before you today to discuss the Transportation Security Administration's (TSA) surface transportation programs.

As you know, TSA's efforts in the surface transportation domain are undertaken to reduce security vulnerabilities and to strengthen resilience against terrorist attacks. In this domain, which includes mass transit systems, ferries, trucking, freight rail, and passenger rail, we work collaboratively with public and private sector partners to develop and to implement programs that promote commerce while enhancing security and mitigating the risk to our nation's transportation systems. We strive

to maximize participation from state, local, tribal, and industry interests with a common goal of securing all modes of transportation.

DHS's Mission to Prevent Terrorism and Enhance Security

TSA secures and safeguards mass transit and railroad operations through a variety of programs. Many of these programs enhance security by addressing policy gaps, enhancing coordination, and maximizing the use of partner strengths and capabilities as addressed in the March 2010 Surface Transportation Security Priority Assessment. The primary mission of the Department of Homeland Security (DHS)—Preventing Terrorism and Enhancing Security—is strongly supported by TSA and is aligned with DHS's programmatic activities and organizational structure as found in the 2010 Quadrennial Homeland Security Review and corresponding Bottom-Up Review Report.

Due to the large populations and substantial infrastructure served by mass transit and national railroad systems, these networks remain a target for terrorist groups. Moreover, an open architecture connecting millions of passengers in major metropolitan areas creates inherent potential security vulnerabilities. TSA thus employs advanced risk-based, intelligence-driven techniques to prevent terrorist attacks and to reduce the vulnerability of the nation's transportation systems to terrorism.

Recognizing that the risk from terrorism and other hazards to surface transportation demands a coordinated approach involving all sector partners and stakeholders, the federal government initiated a comprehensive review of U.S. surface transportation security efforts across all modes of surface transportation in 2009. The resulting Surface Transportation Security Priority Assessment (STSPA), released in April 2010, identified interagency priorities for the following four years and provided concrete recommendations on how to enhance security efforts and maximize the use of partnerships to optimize public safety, facilitate commerce, and strengthen the resiliency of the country's surface transportation system.

DHS has completed risk-based implementation plans for each of the 20 consensus recommendations of the STSPA, further addressing the potential risks to the surface transportation system and its four subsectors (mass transit and passenger rail, highways and motor carriers, freight rail, and pipelines). These plans focus on improving information sharing, increasing coordination among federal agencies involved in the transportation sector, and improving the effectiveness and efficiency of the grants process. As of May 2011, 10 recommendations have been fully implemented and the implementation of the others is underway.

Collaboration with Federal, State, Local, Tribal, and Private Entities

Over the past several years, DHS has been working to establish a new architecture in order to better defend against these evolving terrorist threats. This new architecture includes an emphasis on collaboration across government as well as in concert with private industry and the American public.

In 2005, DHS and the Department of Transportation (DOT) signed the Public Transportation Security Annex to the DHS/DOT Memorandum of Understanding (MOU). This agreement promotes security collaboration between federal, state, local, tribal, and private entities. To implement the Annex, TSA—in collaboration with DOT's Federal Transit Administration and the Federal Emergency Management Agency's Grant Programs Directorate—develops a framework to leverage each agency's unique resources and capabilities. The Annex also identifies specific areas of coordination among the parties including citizen awareness, information sharing, security standards, data collection and analysis, and technical resource documents.

In 2010, in collaboration with the U.S. Department of Justice and Amtrak, TSA announced a significant step toward enhancing the security of the nation transportation infrastructure with the implementation of the Nationwide Suspicious Activity Reporting Initiative (NSI) capability throughout the entire Amtrak rail system. The NSI is a partnership among federal, state, and local law enforcement to establish a standard process for law enforcement to identify and report suspicious incidents or activity and share that information nationally so it can be analyzed to identify broader trends. Under this collaborative program, Amtrak officers are also utilizing an upgraded reporting system—made available by TSA—to refer suspicious activity reports to DHS and the Federal Bureau of Investigation (FBI) for analysis and follow-up.

DHS fosters regional security coordination and to integrate the spectrum of available resources for enhanced deterrent and response capabilities while empowering our state and local partners through training and exercise grant programs like the Department's Transit Security Grant Program. TSA works to improve security with security stakeholders outside of the federal government. Key partners include trade

groups representing mass transit and passenger railroad interests and the mass transit and passenger railroad agencies as well as senior executives, law enforcement chiefs, and emergency responders. The sector partnership model under the National Infrastructure Protection Plan (NIPP) provides a strong framework for TSA to work with other Federal, state, local, and private sector partners on critical infrastructure protection and resilience, especially in the area of surface transportation.

We are also making considerable progress engaging the public in transportation security. DHS launched the "If You See Something, Say Something™" campaign last summer to raise public awareness of indicators of terrorism, crime and other threats, and emphasize the importance of reporting suspicious activity to law enforcement authorities. This campaign is being expanded to places where the NSI is being implemented, to ensure that calls to authorities will be handled appropriately, in an environment where privacy and civil liberties protections are in place. The NSI is currently active in 15 states (California, Florida, Georgia, Indiana, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, South Carolina, Tennessee, Texas, Virginia, and Wisconsin) and 15 major cities (Boston, Cincinnati, Dallas, District of Columbia, Houston, Kansas City, MO, Las Vegas, Los Angeles, Miami, Milwaukee, Phoenix, Sacramento, San Diego, San Francisco, and Seattle).

To protect the public in this effort, TSA promulgated a final rule that strengthens the process by which individuals can report problems, deficiencies, or vulnerabilities related to transportation security including the security of aviation, commercial motor vehicles, maritime, pipelines, public transportation, and railroad carriers.[1] The rule establishes a mechanism by which an individual who makes such a report to the TSA Contact Center will receive either a written receipt or a call identification number. The receipt mechanism will allow individuals who spot deficiencies in security measures to have documentation in case they receive any retaliation for reporting their concerns to TSA.

Using Intelligence to Improve Surface Transportation Security

Information sharing is critical to getting resources and intelligence out of Washington, D.C. and into the hands of state and local law enforcement, giving those on the frontlines the tools they need to protect local communities. Timely, accurate intelligence and security information is provided by TSA to mass transit and passenger railroad agency officials through joint efforts among DHS Office of Intelligence and Analysis, TSA Office of Intelligence, and FBI classified intelligence and analysis briefings. Consumers of such information include mass transit and passenger railroad security directors and law enforcement chiefs in major metropolitan areas as well as Amtrak.

Intelligence products are provided to partners through TSA Mass Transit Security Awareness Messages as well as through the Joint Terrorism Task Force network's secure video teleconferencing system. TSA is constantly working with our partners to enhance the scope, accuracy, timeliness, and efficiency of information sharing in order to develop a comprehensive intelligence and security information sharing platform.

Collaborative Risk Assessment Initiatives

TSA is developing and fielding a risk assessment capability focused on individual mass transit and passenger railroad agencies, their regional security partners, and connecting and adjoining transportation systems. This effort aims to produce several risk and vulnerability assessment tools integrated into a single platform so that TSA and its component security partners in DHS can conduct joint assessments of mass transit and passenger railroad agencies, employing resources more efficiently and improving the audit process. In addition, structural vulnerability assessments are currently being conducted on the Nation's most critical highway, bridge and tunnel infrastructure. These assessments, performed for TSA by the U.S. Army Corps of Engineers, are the most comprehensive assessments that have ever been performed.

By performing baseline and collaborative risk assessments in the mass transit and passenger railroad domains, TSA is able to engage state and local partners to identify ways to reduce vulnerabilities, assess risk, and improve security efforts. These assessments are conducted with emphasis on the 100 largest mass transit and passenger railroad systems in terms of passenger volume. This group accounts for over 80 percent of all users of public transportation.

TSA uses the Transportation Sector Security Risk Assessment (TSSRA) to evaluate threat, vulnerability, and potential consequences for more than 200 terrorist attack scenarios for mass transit and passenger railroads. TSSRAs rate threat capa-

[1] 76 Fed. Reg. 22625 (April 22, 2011).

bilities and likelihood of execution as well as vulnerabilities of rail and bus systems and infrastructure while considering casualties, property damage, and impacts on the transportation network. TSA uses the assessments to inform mitigation priorities, both across the sector and by individual mode, for collaborative security strategies, program development, and resource allocations.

The Baseline Assessment for Security Enhancement (BASE) is a comprehensive security assessment program designed to evaluate 17 security and emergency management action items that form the foundation of an effective security program. BASE is intended to elevate the security posture and readiness throughout the mass transit and passenger railroad network by implementing and sustaining baseline security measures applicable to the operating environment and characteristics of mass transit systems and passenger railroads. TSA implements this continuous improvement process through its Transportation Security Inspectors, who conduct the assessments in partnership with the mass transit and passenger railroad agencies' security chiefs and directors. These evaluations have significantly contributed to an elevation in the mass transit and passenger railroad security posture.

Promoting Surface Transportation Security

In compliance with federal law, TSA has created the Intermodal Security Training and Exercise Program (I–STEP). I–STEP enhances the preparedness of our nation's surface-transportation sector network with meaningful evaluations of prevention, preparedness, and ability to respond to terrorist-related incidents. TSA has assembled a team of federal agencies and commercial vendors to provide planning and strategic support as well as analytical and technical services for transportation security training and exercises under the I–STEP program.

Through outreach, TSA engages all modes of the intermodal transportation community to continuously improve security readiness. I–STEP offers an intermodal transportation-security training and exercise program for our Nation's transportation network communities. The program improves the transportation industry's ability to prepare for and respond to a transportation security incident by increasing awareness, improving processes, creating partnerships, and delivering transportation network security training and exercises.

In addition to I–STEP, 25 Visible Intermodal Prevention and Response (VIPR) multi-modal teams are currently being operated by TSA while the FY 2012 budget request includes funding for 12 additional VIPR teams. These teams consist of personnel with expertise in inspection, behavior detection, security screening, and law enforcement for random, unpredictable deployments throughout the transportation sector to deter potential terrorist acts. Working alongside local law enforcement agencies throughout the transportation domain, TSA's VIPR teams enhance the agency's ability to leverage a variety of resources quickly in order to increase security in any mode of transportation anywhere in the country. TSA conducted more than 8,000 VIPR operations in the past 12 months, including more than 3,700 operations in mass transit and passenger railroad venues. VIPR operational plans are developed with a risk-based methodology in conjunction with local transportation security stakeholders and conducted jointly by TSA, local law enforcement, and transportation security resources.

TSA and the representatives of the Transit Policing and Security Peer Advisory Group work together to enhance coordination and deterrent effects of VIPR team operations. This cooperation has grown since the mutually agreed upon operating guidelines for "Effective Employment of Visible Intermodal Prevention and Response Teams in Mass Transit and Passenger Rail" were implemented in October 2007.

Advancing Security Initiatives through Federal Grants

As I previously mentioned, DHS employs a comprehensive transportation security grant program (TSGP) to provide awards to eligible transit agencies to assist state and local governments in devising and implementing initiatives to improve security. The TSGP promotes a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism. The program is the primary vehicle providing funding assistance for security enhancements to eligible domestic mass transit and passenger railroad agencies and employs risk-based prioritization for funding decisions.

In 2010, the TSGP provided $273.4 million to the transit and passenger railroad industry and a total of $1.6 billion since 2006. Similar, but smaller grant programs have supported overthe-road bus operations. Approximately $175 million has been awarded through TSGP for operational deterrence activities, which include public awareness campaigns, training, drills, and exercises since FY 2006. TSGP funding also supports non-federal law enforcement positions for anti-terrorism activities. DHS has awarded $29.9 million since FY 2006 for 60 canine teams and $93.6 mil-

lion for 304 officers to create 77 anti-terrorism teams. These officers enhance security, provide a visible deterrent and augment our nimble, risk-based approach to provide assistance where it can best be put to use. Transit, passenger railroad, and law enforcement agencies have also been provided TSGP funds to hire non-federal officers to serve as mobile explosives detection screeners. The officers for each of these teams are employees of the transit system/passenger railroad/law enforcement agency and are deployed according to security needs within the local transit or passenger railroad system.

In an effort to further harden critical surface transportation infrastructure, in 2010, TSA, in coordination with DOT and other DHS offices, developed and implemented the "National Strategy for Highway Bridge Security," to conduct the most comprehensive structural security assessments to date on more than 60 of the Nation's most significant highway structures, including bridges, tunnels and terminals. DHS is making strides across the department to improve critical infrastructure protection activities. Grants have been used to support intrusion detection, physical hardening, and surveillance measures for underwater tunnels, bridges, and multi-user high-volume stations. The TSGP has funded $155.2 million for underwater tunnel hardening, $168.5 million for critical station physical security measures, and over $28 million for suspension bridge hardening since FY 2006.

Conclusion

Our goal at all times is to maximize transportation security to stay ahead of the evolving terrorist threat while protecting passengers' privacy and facilitating the flow of legitimate commerce. TSA works collaboratively with industry partners to develop and implement programs that promote commerce while enhancing security and mitigating the risk to our Nation's transportation system. I want to thank the Committee for its continued assistance to TSA and for the opportunity to discuss the important issues related to surface transportation security. I am pleased to answer any questions you might have.

Senator LAUTENBERG. Thanks very much, Mr. Pistole.

Mr. Lord, your opportunity, please.

STATEMENT OF STEPHEN M. LORD, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. LORD. Thank you, Chairman Lautenberg, Ranking Member Hutchison, and Senator Udall. I'm pleased to be here today to discuss TSA's efforts to enhance rail security.

This is an important issue given the recent intelligence recovered from the bin Laden compound and the prior unsuccessful plots to bomb the New York Transit and D.C. Metro systems. As you know, these systems are vulnerable to attack because they rely on the open architecture that is difficult to monitor and secure.

Today I'd like to discuss three issues: first, the DHS risk assessment process used to focus its security efforts; second, the status of TSA's efforts to provide security training for public transportation and front-line rail employees; and third, TSA's efforts to streamline the vast amount of security information it provides to rail stakeholders.

Regarding the first point, as we reported today in our written statement, TSA has made steady progress in improving the risk assessments across all modes of transportation, including rail. For example, last June, in response to a prior GAO recommendation, TSA completed a comprehensive assessment of security risk across the entire transportation sector, including the passenger and freight rail modes. And although TSA's assessment excluded some important types of threats such as the threat of the lone wolf attack, this was a good first step. And TSA will issue an updated assessment later this year that will reportedly address some of the limitations we noted.

TSA has also expanded efforts to assess the risks of mass transit, passenger rail, and freight rail systems. For example, TSA has completed additional assessments of potential security threats to freight rail bridges and tunnels in response to one of our prior report recommendations, and as of June 2011, this month, the agency reported it had completed assessments of 77 bridges and 26 freight rail tunnels. These are positive steps.

I would now like to discuss TSA's efforts to develop security training programs for public transportation rail employees. This is an important issue because in 2007 TSA identified the need for more consistent, systematic security training of mass transit and passenger rail personnel. The 9/11 Act also mandated that TSA develop regulations for providing training to public transportation and front-line rail employees.

During our recent discussions with TSA about actions to meet the mandate, the agency reported it will issue a Notice of Proposed Rulemaking for public comment by November of this year, and although that's a positive step, it's also worth noting this is over 4 years past the original mandated deadline.

This training is important because it's designed to improve the consistency of the training and the quality of the training provided to these personnel, including training in coordination, communications, and evacuation procedures.

The last issue I'd like to address is information sharing. Our past work has identified significant streamlining opportunities in this area. For example, our September 2010 report identified potential overlap among three key federal mechanisms used to share security information with public transit agencies. And to help improve information sharing, TSA and key industry groups have developed the so-called Transit and Rail Intelligence Awareness Daily, or TRIAD, report. We think this is a positive development to streamline the exchange of intelligence and security information.

However, our ongoing work also indicates that freight rail agencies still have concerns about federal information-sharing efforts. Our concerns center around two issues, the analytical content of reports, and the actionability of the information provided. For example, security officials at three Class 1 railroads we interviewed recently raised significant concerns about the actionability of the provided information. TSA officials agreed that improvements are needed in this area and are taking steps to address them, and we're going to report, we're going to issue a report on this issue later this year.

Mr. Chairman, this concludes my testimony. I look forward to answering any questions that you or other members of the Committee may have. Thank you.

[The prepared statement of Mr. Lord follows:]

PREPARED STATEMENT OF STEPHEN M. LORD, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Chairman Rockefeller, Ranking Member Hutchison, and members of the Committee:

I appreciate the opportunity to participate in today's hearing to discuss security issues related to the U.S. rail system, including mass transit, intercity passenger rail (Amtrak), and freight rail. Rail systems in the United States have received heightened attention as several alleged terrorists' plots have been uncovered, includ-

ing plots against transit systems in the New York City and Washington, D.C., areas. Intelligence recovered from Osama bin Laden's compound indicates that U.S. rail systems were a suggested target as recently as February 2010, although there has been no indication of a specific or imminent threat to carry out such an attack. Terrorist attacks on rail systems around the world—such as the March 2010 Moscow, Russia, subway bombings, and the May 2010 passenger train derailment near Mumbai, India, that resulted in approximately 150 fatalities—highlight the vulnerability of these systems to terrorist attacks. Further, the Mineta Transportation Institute has reported that terrorists attempted to derail trains on at least 144 occasions between 1995 and 2010, many of which were in South Asia and mostly through the use of track bombs.[1]

One of the critical challenges facing rail system operators—and the federal agencies that regulate and oversee them—is finding ways to protect rail systems from potential terrorist attacks without compromising the accessibility and efficiency of rail travel. The systems are vulnerable to attack in part because they rely on an open architecture that is difficult to monitor and secure due to its multiple access points, hubs serving multiple carriers, and, in some cases, no barriers to access. Further, rail systems' high ridership, expensive infrastructure, economic importance, and location in large metropolitan areas or tourist destinations make them attractive targets for terrorists. In addition, the multiple access points along extended routes make the costs of securing each location potentially prohibitive.

My testimony today focuses on the following issues: (1) To what extent has the Department of Homeland Security (DHS) conducted comprehensive risk assessments to inform its security efforts across all modes of transportation, including rail? (2) What technologies are available to assist rail operators in securing their systems? (3) What is the status of Transportation Security Administration's (TSA) efforts regarding security training for frontline rail employees? (4) How satisfied are rail stakeholders with the quality of security-related information TSA is providing?

This statement is based on related GAO reports issued from March 2009 through September 2010, including selected updates conducted from May 2011 through June 2011, on TSA's efforts to implement our prior recommendations regarding surface transportation security.[2] In conducting these updates, we obtained information from TSA regarding the agency's efforts to develop regulations for security training programs for rail employees and to enhance its overall risk management approach to rail security, among other things. Our previous reports incorporated information we obtained and analyzed from officials from various components of DHS, the Department of Transportation (DOT), state and local transportation and law enforcement agencies, and industry associations, as well as a survey of 96 U.S. public transit agencies (that represented about 91 percent of total 2008 ridership). Our previously published products contain additional details on the scope and methodology, including data reliability, for those reviews. In addition, this statement includes preliminary observations based on ongoing work, the results of which will be issued in a report later this year, assessing the extent to which freight rail carriers that receive security-related information are satisfied with the products and mechanisms that TSA uses to disseminate this information, among other things.[3] As part of this ongoing work, we surveyed all seven Class I freight rail carriers.[4] We also interviewed security officials from three Class I freight rail carriers selected on the basis of their location. While the results of our interviews are not generalizable to all Class I rail carriers, the responses provide perspectives and examples to expand on survey findings. All of our work was conducted in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence

[1] The Norman Y. Mineta International Institute for Surface Transportation Policy Studies was established by the Intermodal Surface Transportation Efficiency Act of 1991. Pub. L. No. 102–240, § 6024, 105 Stat. 1914 (1991). The institute's transportation policy work is centered on, among other things, research into transportation security, planning, and policy development.

[2] Surface transportation security includes the mass transit and passenger rail, freight rail, highway and commercial vehicle, and pipeline modes. Please see the list of related products at the end of this testimony statement.

[3] This work is being conducted in response to a mandate in the Implementing Recommendations of the 9/11 Commission Act (9/11 Commission Act). Pub. L. No. 110–53, § 1203(a), 121 Stat. 266, 383 (2007).

[4] As defined by revenue, for 2009, Class I railroads are freight rail carriers having annual operating revenues of $379 million or more. See 49 C.F.R. pt. 1201, General Instructions 1–1. The railroads include CSX Transportation (CSX), BNSF Railway Company (BNSF), Union Pacific Railroad Company (Union Pacific), Norfolk Southern, Kansas City Southern Railway Company, Canadian National Railway, and Canadian Pacific Railway.

obtained provides a reasonable basis for our findings based on our audit objectives. For new information that was based on work not previously reported, we obtained TSA views on our findings and incorporated technical comments where appropriate.

Background

TSA is the primary federal agency responsible for overseeing the security of the mass transit, passenger rail, and freight rail systems. However, several other agencies, including DOT's Federal Transit Administration (FTA) and Federal Railroad Administration (FRA), also play a role in helping to oversee these systems. Since it is not practical or feasible to protect all assets and systems against every possible terrorist threat, DHS has called for using risk-informed approaches to prioritize its security-related investments and for developing plans and allocating resources in a way that balances security and commerce.[5]

In June 2006, DHS issued the National Infrastructure Protection Plan (NIPP), which established a six-step risk management framework to establish national priorities, goals, and requirements for Critical Infrastructure and Key Resources protection so that federal funding and resources are applied in the most cost-effective manner to deter threats, reduce vulnerabilities, and minimize the consequences of attacks and other incidents. The NIPP, updated in 2009, defines risk as a function of three elements:

- threat—an indication of the likelihood that a specific type of attack will be initiated against a specific target or class of targets;
- vulnerability—the probability that a particular attempted attack will succeed against a particular target or class of targets; and
- consequence—the effect of a successful attack.

In August 2007, the Implementing Recommendations of the 9/11 Commission Act (9/11 Commission Act) was signed into law, which included provisions that task DHS with actions related to surface transportation security.[6] Among other things, these provisions include mandates for developing and issuing regulations for transportation security training programs and ensuring that transportation modal security plans include threats, vulnerabilities, and consequences for transportation infrastructure assets including rail.

TSA Has Made Progress in Conducting Comprehensive Risk Assessments Across All Modes of Transportation, Including Rail

In response to our previous recommendations, TSA has taken steps to conduct comprehensive risk assessments across the transportation sector and within the passenger and freight rail modes that are based on assessments of threat, vulnerability, and consequence. In March 2009, we reported that TSA had taken some actions to implement a risk management approach but had not conducted comprehensive risk assessments that integrate threat, vulnerability, and consequence for each mode or the transportation sector as a whole, as called for by the NIPP.[7] We recommended that TSA conduct risk assessments that combine these three elements to help the agency produce a comparative analysis of risk across the entire transportation sector, which the agency could use to inform current and future investment decisions.

DHS concurred with this recommendation, and in June 2010 TSA produced the Transportation Sector Security Risk Assessment (TSSRA), which assessed risk within and across the various aviation and surface transportation modes, including rail, and incorporated threat, vulnerability, and consequence.[8] A September 2009 letter from the Director of DHS's Office of Risk Management and Analysis noted that in developing the TSSRA, TSA was making progress toward developing a strategic and comprehensive risk management approach that would better align with DHS's risk management framework and address our recommendations. However, TSA noted limitations in the June 2010 TSSRA report that could limit its usefulness in guiding investment decisions across the transportation sector as a whole. For example, the TSSRA excluded the maritime sector and certain types of threats, such as from

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[5] A risk management approach entails a continuous process of managing risk through a series of actions, including setting strategic goals and objectives, assessing risk, evaluating alternatives, selecting initiatives to undertake, and implementing and monitoring those initiatives.

[6] Pub. L. No. 110–53, 121 Stat. 266 (2007).

[7] GAO, *Transportation Security: Comprehensive Risk Assessments and Stronger Internal Controls Needed to Help Inform TSA Resource Allocation*, GAO–09–492 (Washington, D.C.: Mar. 27, 2009).

[8] According to TSA officials, passenger rail is included with mass transit in the TSSRA, although Amtrak is not listed in the TSSRA report as a participant. In June 2011, TSA officials stated that passenger rail would be more clearly broken out in the next version of TSSRA.

"lone wolf" operators. In June 2011, agency officials stated that TSA is working to address these limitations in the next version, which is scheduled for completion by the end of calendar year 2011. TSA also said that it is strengthening and enhancing the TSSRA methodology based on an ongoing independent verification and validation that is scheduled for completion later this year. In addition, TSA officials noted that other DHS components, such as the U.S. Coast Guard, conduct risk assessments of the maritime sector that complement the TSSRA.[9]

With regard to assessments of mass transit and passenger rail transportation, we reported in June 2009 that although TSA had contributed to DHS's risk assessment effort, it had not conducted its own risk assessment of mass transit and passenger rail systems.[10] We recommended that TSA conduct a risk assessment that integrates all three elements of risk. DHS officials concurred with the recommendation, and in March 2010 said that they had developed a mass transit risk assessment tool to assess risk to mass transit and passenger rail systems using threat, vulnerability, and consequence, in addition to the TSSRA. According to TSA, they have completed pilot tests of this tool on three transit systems as of June 2011 and anticipate assessing six additional transit systems by the end of the calendar year.

Similarly, in April 2009, we reported that TSA's efforts to address freight rail security were limited and did not focus on a range of threats identified by federal and industry assessments.[11] TSA's security efforts focused almost entirely on transportation of Toxic Inhalation Hazards (TIH); however, other federal and industry assessments had identified additional potential security threats, such as risks to bridges and tunnels.[12] We reported that although TSA's focus on TIH had been a reasonable initial approach, there are other security threats for TSA to consider and evaluate, including potential sabotage to critical infrastructure. We recommended that TSA expand its efforts to include all security threats in its freight rail security strategy. TSA concurred and reported that it had developed a Critical Infrastructure Risk Tool to measure the criticality and vulnerability of freight railroad bridges. As of June 2011, the agency has used this tool to assess 77 bridges, some of which transverse either the Mississippi or Missouri Rivers, and 26 freight rail tunnels.

Our prior work has also assessed TSA's efforts to incorporate risk management principles into the grant allocation process, and we reported that transit grant funding decisions could be improved with better assessments of vulnerability. For example, we reported in June 2009 that the Transit Security Grant Program (TSGP) risk model included all three elements of risk, but could be strengthened by measuring variations in vulnerability.[13] DHS held vulnerability constant in its assessments, which limits the model's overall ability to assess risk. We recommended that DHS strengthen its methodology for determining risk by developing a cost-effective method for incorporating vulnerability information in its TSGP risk model. DHS concurred with the recommendation, and in April 2010 TSA stated that it is reevaluating the risk model for the Fiscal Year 2011 grant cycle. In June 2011, TSA stated that it is considering asset-specific vulnerability when looking at risk, although TSA noted that the Federal Emergency Management Agency (FEMA) has ownership of the TSGP risk model. TSA provides input into the model, however. We are currently assessing DHS and FEMA efforts to improve the TSGP grant-allocation process as

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[9] We have reviewed the U.S. Coast Guard's risk assessment model as part of previous work. For example, see GAO, Maritime Security: DHS Progress and Challenges in Key Areas of Port Security, GAO–10–940T (Washington, D.C.: July 21, 2010). We are also reviewing it as part of our current review of integrated port security being conducted for your committee and expect to issue a report on the results of this effort later this year.

[10] GAO, *Transportation Security: Key Actions Have Been Taken to Enhance Mass Transit and Passenger Rail Security, but Opportunities Exist to Strengthen Federal Strategy and Programs*, GAO–09–678 (Washington, D.C.: June 24, 2009).

[11] GAO, *Freight Rail Security: Actions Have Been Taken to Enhance Security, but the Federal Strategy Can Be Strengthened and Security Efforts Better Monitored*, GAO–09–243 (Washington, D.C.: April 21, 2009).

[12] TIH include chlorine and anhydrous ammonia, which can be fatal if inhaled. Shipments of TIH, especially chlorine, frequently move through densely populated areas to reach, for example, water treatment facilities that use these products. We reported that TSA focused on securing TIH materials for several reasons, including limited resources and a decision in 2004 to prioritize TIH as a key risk requiring federal attention. Other federal and industry freight rail stakeholders agreed that focusing on TIH was a sound initial strategy because it is a key potential rail security threat and an overall transportation safety concern.

[13] GAO, *Transit Security Grant Program: DHS Allocates Grants Based on Risk, but Its Risk Methodology, Management Controls, and Grant Oversight Can Be Strengthened*, GAO–09–491 (Washington, D.C.: June 2009). The TSGP provides grant funding to the nation's key high-threat urban areas to enhance security measures for their critical transit infrastructure, including rail systems.

part of our current review of DHS grant programs being conducted for your committee and expect to issue a report on the results of this effort later this year.

Technologies Are Available to Strengthen Rail Security, but Challenges in the Rail Environment and Low Maturity of Some Technologies May Limit Implementation

Industry stakeholders have examined and implemented various technologies to enhance the security of the rail system. For example, in April 2009, we reported that several freight rail carriers we met with installed security cameras and monitoring equipment at some of their key facilities to better monitor the activities in and around these areas.[14] We also reported that officials from three railroads and two chemical companies we met with stated that they had taken steps to attempt to better track the movements of their TIH rail shipments by installing Global Positioning System technology on their locomotives and tank cars. Similarly, in June 2009, we reported that many mass transit and passenger rail agencies reported making capital improvements to secure their systems.[15] For example, 19 of the 30 transit agencies we interviewed had embarked on programs since 2004 to upgrade their existing security technology, including upgrading closed circuit television at key station locations with video surveillance systems that alert personnel to suspicious activities and abandoned packages and installing chemical, biological, radiological, nuclear, and explosives detection equipment and laser intrusion detection systems in critical areas.[16]

While industry has taken these steps to implement technology to enhance rail security, the nature of the rail system has presented challenges to further implementation. For example, we reported in July 2010 that in commuter or light rail systems, many stations may be unmanned outdoor platforms without barriers between public areas and trains.[17] Stations may also have few natural locations to place technologies to be able to screen passengers. With limited existing chokepoints, implementation of certain technologies may require station infrastructure modifications to aid in funneling passengers for screening. Similarly, challenges to using technology to secure the freight rail system include the size and open nature of the system, the need for railcars to be able to continuously move, and limited resources.

We have also reported that several technologies are available to help address rail security challenges, but they are at varying levels of maturity and using them involves trade-offs in mobility, cost, and privacy. For example, in July 2010, we reported that the ability of explosives detection technologies to help protect the passenger rail environment depends both upon their detection performance and how effectively the technologies can be deployed in that environment.[18] Detection performance of these technologies varies across the different technologies and additional limitations—such as limited screening throughput, privacy, openness, physical infrastructure, cost, and mobility concerns—have restricted their more widespread or more effective use in passenger rail. More-established explosives detection technologies—such as handheld explosive trace detection systems, X-raying imaging systems, and canines—have demonstrated good performance against many conventional explosives threats but are challenged by threats from certain explosives.[19] Newer technologies—such as Explosive Trace Portals (ETP), standoff detection systems, and Advanced Imaging Technologies (AIT)—while available, are in various stages of maturity and more operational experience would be required to determine whether they can be effectively implemented in a rail environment.[20] For example,

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[14] GAO–09–243.

[15] GAO–09–678.

[16] We also reported that TSA collaborates with DHS's Science and Technology Directorate to research, develop, and test various security technologies for applicability in mass transit and passenger rail systems, including explosive trace detection technologies, infrastructure protection measures, and behavior based and advanced imaging technologies.

[17] GAO, *Technology Assessment: Explosives Detection Technologies to Protect Passenger Rail*, GAO–10–898 (Washington, D.C.: July 28, 2010).

[18] GAO–10–898.

[19] DHS considers certain details regarding the ability of particular technologies to detect explosives and any limitations in their ability to detect certain types of explosives to be Sensitive Security Information or classified.

[20] ETP are used in screening for access to buildings. The operation of these systems generally involves a screener directing an individual to the ETP and the ETP sensing his presence and, when ready, instructing the individual to enter. The portal then blows short puffs of air onto the individual being screened to help displace particles and attempts to collect these particles with a vacuum system. The particle sample is then preconcentrated and fed into the detector for analysis. Standoff detection systems allow for the screening of rail passengers from a distance. When applied to passenger rail, their distinguishing feature is they attempt to screen passengers with minimal to no effect on normal passenger flow. There is no standard definition

AIT technologies have the ability to detect hidden objects; however, they are walk-through devices that would require rail passengers to be funneled through the equipment, limiting passenger throughput with long screening times. Standoff technology can be used to detect hidden objects on an individual from a significant distance and is attractive because it may have less effect on passenger throughput than other new technologies. However, certain types of standoff systems, as well as AIT technologies raise privacy concerns because they create images of individuals underneath their clothing.

In our July 2010 report, we did not make any recommendations regarding the explosives detection technologies available or in development that could help secure passenger rail systems, but we raised various policy considerations. Among other things, we noted that securing passenger rail involves multiple security measures, with explosives detection technologies just one of several components that policymakers can consider as part of the overall security environment. In determining whether and how to implement these technologies, federal agencies and rail operators will likely be confronted with challenges related to the costs versus the benefits of a given technology and the potential privacy and legal implications of using explosives detection technologies.

TSA Has Not Issued Rail Security Training Regulations but Has Provided Funding and Guidance for Training

In 2007, TSA officials identified the need for increased security training at mass transit and passenger rail systems because the extent of training provided varied greatly—with a majority providing an introductory level of safety and security training for new hires, but not refresher training. In addition, TSA identified security awareness training and a lack of a robust, standardized corporate security planning for freight railroads as systematic security gaps. The 9/11 Commission Act mandates TSA to develop and issue regulations for a public transportation security training program and for a railroad security training program.[21] In June 2009, we reported that TSA had not implemented this requirement or several others related to mass transit and passenger rail security, and recommended that DHS develop a plan with milestones for doing so.[22] DHS concurred with this recommendation, and in June 2011, TSA stated that it had developed a plan and milestones for addressing uncompleted 9/11 Commission Act requirements. TSA also stated that it is finalizing the security training program regulations and expects to issue a Notice of Proposed Rulemaking for public comment by November 2011.[23] A TSA official indicated that the delay was due, in part, to difficulties incurred in trying to address multiple modes of transportation in one regulation.

To address identified training deficiencies, TSA supports security training through its TSGP and voluntary security awareness programs. TSA established a Mass Transit Security Training program in 2007 to provide curriculum guidelines for basic and follow-on security training areas and makes funding available through TSGP.[24] For example, TSA offers mass transit and passenger rail agencies the option of using grant funding to cover costs for training to employees that is supplied by either: (1) training providers that are federally funded or sponsored or (2) other

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of standoff detection and separation distances can be less than a meter to tens of meters and beyond. AIT portals are used for screening people for building access and, to an increasing extent, airport access. The AIT portal then takes images of the individual, which are displayed to another officer who inspects the images. The inspecting officer views the image to determine if there are threats present.

[21] Pub. L. No. 110–53, §§ 1408, 1517, 121 Stat. 266, 409, 439 (2007).

[22] GAO–09–678.

[23] Despite the absence of the TSA security training regulations required by the 9/11 Commission Act, railroad organizations are subject to established regulations such as the Pipeline and Hazardous Materials Safety Administration (PHMSA) security training regulations for hazmat (hazardous materials) employees. Among other things, the PHMSA security regulations require that hazmat employee training provide an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. The training must also include a component covering how to recognize and respond to possible security threats. 49 C.F.R. § 172.704. In addition, FRA regulations require railroads that operate or provide intercity or commuter passenger train service or that host the operation of that service to adopt and comply with a written emergency preparedness plan, which must provide for employee training as well as training of, and coordination with, emergency responders. 49 C.F.R. § 239.101.

[24] DHS also established the Freight Rail Security Grant Program (FRSGP), which provides funds for training programs, among other things.

training providers.[25] However, in June 2009 we reported that opportunities exist for TSA to strengthen its process for ensuring consistency in the performance of non-federal training vendors that mass transit and passenger rail agencies use to obtain training through the program.[26] We recommended that to better ensure that DHS consistently funds sound and valid security training delivery programs for mass transit and passenger rail employees, TSA should consider enhancing its criteria for evaluating whether security training vendors meet the performance standards of federally sponsored training providers and whether the non-federally sponsored providers could be used by transit agencies for training under the transit security grant program. DHS concurred with the recommendation, noting that TSA would work with the FTA through an existing joint working group to develop criteria for reviewing new vendor-provided training courses. In February 2010, TSA stated that it had proposed a joint task group with the FTA to define evaluation criteria for courses submitted by mass transit or passenger rail agencies, academic institutions, or other entities. In June 2011, TSA stated that the joint task group—which is being led by TSA and will include members from the FTA and industry—is in the process of organizing its first meeting. According to TSA, the group will use the criteria it develops to evaluate vendor training courses by the fall of 2011.

DHS, DOT, and others have also taken steps to enhance rail and transit security awareness in partnership with the public and private entities that own and operate the Nation's transit and rail systems through voluntary security awareness programs. For example, the Transit Watch Program, co-led by TSA and the FTA, provides a nationwide safety and security awareness program designed to encourage the active participation of transit passengers and employees. By means of this program, the federal government, in collaboration with industry, created templates for transit agencies to develop or enhance their own public awareness programs. In July 2010, DHS launched the "If You See Something, Say Something," campaign as a way to raise public and frontline employee awareness of indicators of terrorism, crime, and other threats and emphasize the importance of reporting suspicious activity to the proper transportation and law enforcement authorities.[27]

Opportunities Exist to Streamline Security Information for Transit Agencies, and Preliminary Results Indicate Some Freight Rail Agencies Do Not Receive Actionable Information and Analysis from TSA

While TSA is taking steps to improve information sharing with freight and passenger rail stakeholders, potential overlap could complicate stakeholder efforts to discern relevant information and take appropriate actions to enhance security. In September 2010, we identified the potential for overlap among three federal information-sharing mechanisms: the public transit portal on the Homeland Security Information Network (HSIN–PT), TSA Office of Intelligence's page on HSIN, and the Public Transit Information Sharing and Analysis Center (PT–ISAC).[28] Each of these receives funding from DHS to share security threats and other types of security-related information with public transit agencies. We recommended that DHS establish time frames for a working group of federal and industry officials to assess opportunities to streamline information-sharing mechanisms to reduce any unneeded overlap. DHS concurred with this recommendation.

In response to our recommendation, DHS and the rail industry have taken steps to streamline the information distributed to stakeholders. TSA and key industry groups have developed the Transit and Rail Intelligence Awareness Daily (TRIAD) Report and associated Transportation Information Library. The overall intent of TRIAD is to streamline the analysis, sharing, and exchange of intelligence and security information that had been disseminated by multiple sources. TRIAD includes a daily publication to enhance situational awareness, an alert message to provide immediate awareness of a developing threat or incident, and a catalogue of supporting reports and related documents. According to TSA and its industry partners, HSIN–PT will supplement TRIAD by serving as a reference source to house cross-sector best practices, additional intelligence, and threat information as well as transit security standards and all-hazards information. The TSA Office of Intelligence stated that it will continue to have a portal on HSIN that supplements the informa-

[25] For 2011, the TSGP prioritizes employee training, drills and exercises, public awareness, and security planning. Among other things, Fiscal Year 2011 funds may be used for training activities including workshops and conferences and employing contractors to support training related activities.

[26] GAO–09–678.

[27] The security program was funded, in part, by $13 million from the TSGP and was originally implemented by the New York Metropolitan Transportation Authority.

[28] GAO, *Public Transit Security Information Sharing: DHS Could Improve Information Sharing through Streamlining and Increased Outreach*, GAO–10–895 (Washington, D.C.: Sept. 2010).

tion on the PT–ISAC and HSIN–PT. While the TRIAD report may reduce the number of security-related e-mails that transit agencies receive, it does not reduce overlap among the three information-sharing mechanisms. In June 2011, TSA officials stated that they are continuing to coordinate with other members of the working group to identify actions and time frames for addressing our recommendation.

Our recent work indicates that some rail stakeholders do not receive security information from TSA. In September 2010, we reported that less than half of public transit agencies (34 of 77) responding to our 2010 survey reported that they had log-in access to HSIN, TSA's primary mechanism for sharing open-source security-related information with transportation stakeholders, and had not lost or forgotten their log-in information.[29] Our survey also identified that, of the 19 transit agencies that did not have HSIN access, 12 had never heard of the mechanism, and an additional 11 agencies did not know whether they had access to HSIN. We recommended that TSA establish timeframe for the transit-sector public-private working group to conduct targeted outreach efforts to increase awareness of HSIN among agencies that are not currently using or aware of this system. DHS officials concurred with this recommendation and in January 2011 provided an implementation plan with target dates for addressing it. However, the plan was insufficiently detailed for us to determine whether it fully addresses the recommendation. For example, the plan stated that TSA officials created a consolidated "superlist" of current PT–ISAC and HSIN–PT members and transit agencies on a TSA distribution list and intend to encourage all entities on this superlist to join the PT–ISAC and HSIN–PT. However, the plan did not indicate how TSA would target its outreach efforts to those entities not already on one of those lists. In June 2011, a TSA official stated that the public-private working group plans to reach out to other transit entities, such as small agencies, to encourage them to join the PT–ISAC and HSIN–PT. As noted above, TSA officials stated that they are continuing to coordinate with other members of the working group to identify actions and time frames for addressing our recommendation.

Preliminary observations from our ongoing work also indicate that some freight rail stakeholders would prefer to receive more analysis or actionable security information from TSA. The federal government's National Strategy for Information Sharing discusses the need to improve the two-way sharing of terrorism-related information on incidents, threats, consequences, and vulnerabilities, including enhancing the quantity and quality of specific, timely, and actionable information provided by the federal government to critical infrastructure sectors. According to three Class I rail stakeholders that we interviewed, TSA distributes information on rail security that is generally used for situational awareness. However, rail security stakeholders from three of the seven Class I railroads that we surveyed indicated that TSA's security information products lack analysis, such as trend analysis, that could help predict how certain events may affect freight rail. In follow-up interviews, security officials at three Class I railroads stated that security information provided by TSA does not offer actionable information that could allow them to develop or adjust their current countermeasures against potential terrorist threats. These security officials added that they have often received the same information that TSA provides from the media or other sources before it is distributed from TSA. For example, two of these officials told us that they received little or no security-related information from TSA in the aftermath of Osama bin Laden's death. However, security officials at two of the three rail carriers that we interviewed stated that they felt confident that someone from the federal government would alert them of any direct threat to that carrier. TSA officials agree that improvements are needed in the products and mechanisms by which they alert rail agencies of security-related information and intelligence. For example, a TSA official stated in June 2011 that the agency is in the process of revising its reports on suspicious incidents to regionalize the information provided to rail carriers, in response to feedback from those carriers. We will continue to assess TSA's efforts related to security information-sharing and will report the final results later this year.

Chairman Rockefeller, Ranking Member Hutchison, and members of the Committee, this completes my prepared statement. I look forward to responding to any questions you may have.

Related GAO Products

Public Transit Security Information Sharing: DHS Could Improve Information Sharing through Streamlining and Increased Outreach. GAO–10–895. Washington, D.C.: September 22, 2010.

[29] GAO–10–895.

Technology Assessment: Explosives Detection Technologies to Protect Passenger Rail. GAO–10–898. Washington, D.C.: July 28, 2010.

Surface Transportation Security: TSA Has Taken Actions to Manage Risk, Improve Coordination, and Measure Performance, but Additional Actions Would Enhance Its Efforts. GAO–10–650T. Washington, D.C.: April 21, 2010.

Transportation Security: Key Actions Have Been Taken to Enhance Mass Transit and Passenger Rail Security, but Opportunities Exist to Strengthen Federal Strategy and Programs. GAO–09–678. Washington, D.C.: June 24, 2009.

Transit Security Grant Program: DHS Allocates Grants Based on Risk, but Its Risk Methodology, Management Controls, and Grant Oversight Can Be Strengthened. GAO–09–491. Washington, D.C.: June 8, 2009.

Freight Rail Security: Actions Have Been Taken to Enhance Security, but the Federal Strategy Can Be Strengthened and Security Efforts Better Monitored. GAO–09–243. Washington, D.C.: April 21, 2009.

Transportation Security: Comprehensive Risk Assessments and Stronger Internal Controls Needed to Help Inform TSA Resource Allocation. GAO–09–492. Washington, D.C.: March 27, 2009.

Senator LAUTENBERG. Thank you very much, Mr. Lord.

Now we'll hear from Chief O'Connor, please.

STATEMENT OF JOHN O'CONNOR, VICE PRESIDENT AND CHIEF OF POLICE, AMTRAK POLICE DEPARTMENT, NATIONAL RAILROAD PASSENGER CORPORATION

Mr. O'CONNOR. Thank you, Mr. Chairman, Ranking Member Hutchison, Senator Udall, Senator Wicker.

My testimony today is in response to the emerging threat to rail in this country that was recently highlighted by information obtained from the Osama bin Laden compound. During a prior appearance before this committee, I testified that the threat against rail was very real, and I described the manner in which Amtrak had responded by focusing on threats related to improvised explosive devices in stations, on board a train, or by an active shooter scenario.

The recent events after the death of bin Laden serve as a stark reminder that these threats continue to be viable and that a new twist was added, that terrorists are considering derailing trains. This is of particular concern to Amtrak, who operates high-speed rail trains where catastrophic losses could occur. This begs the question: Are we doing enough to detect and deter terrorist acts on surface transportation, and can we do more to prevent a terrorist rail tragedy from happening?

Upon receipt of the intelligence information from the UBL compound, a meeting was held with TSA officials to discuss what was uncovered and to evaluate how to proceed regarding the threats to the right-of-way and the derailment of trains. Amtrak also collaborated with other Federal, state and local agencies and initiated a response that addressed right-of-way threats.

These steps included increasing right-of-way patrols, focusing on bridge and tunnel infrastructure; shifting the strategy of Operation RAIL SAFE, or "Regional Alliance Including Local, State and Federal Efforts," to include right-of-way patrols; requesting law enforcement air and marine support for critical infrastructure; ensuring current capital security planning included right-of-way risk assessments; deploying Special Operations personnel to the right-of-way and coordinating with other Amtrak departments; last, alerting employees and reinforcing security programs and vigilance messages.

While Amtrak was undertaking these counter-measures, it still remained committed to existing programs such as our Explosive Canine Detection Program. We currently have 46 explosive teams that last year did more than 11,000 train rides and 25 weekly surges across the nation.

Our Security Inspection Program. We conducted more than 3,000 random passenger baggage screening operations.

Active Shooter Training. All APD sworn personnel have been trained in active shooter training, and we also trained more than 45 agencies in SWAT tactics in responding to the rail environment.

Corporate security. Amtrak has leveraged grant funding to improve protection for passengers, employees, and critical infrastructure, including CCTV, fencing and other security improvements, mostly with grant funding from the TSA.

Amtrak continues to work closely with the TSA. We've conducted more than 800 VIPR programs, the Visual Intermodal Protection and Response deployments. We've also conducted joint screening operations, continued improvement of security efforts through the Suspicious Activity Reporting Program and the Baseline Assessment Security Enhancement program.

In the Northeast Corridor, we continue to work with major law enforcement and DHS officials from the Northeast Corridor in a collaborative way to enhance public safety on surface transportation. I mentioned RAIL SAFE before. This effort is a grassroots effort that has now included hundreds of agencies across the country helping to protect rail. Our last major operation on May 19, where more than 155 U.S. agencies, as well as several Canadian agencies, across 34 states and more than 1,000 law enforcement personnel deployed to over 200 rail stations.

A key to our security is front-line employee training. Amtrak has been active in providing security training for front-line employees, and in 2011, 8,300 front-line transportation employees are receiving classroom training by way of an interactive simulated course, including an active shooter situation.

Technology is also a big part of our efforts.

In conclusion, we are very concerned about the recent events, and we will continue to work with the federal government to do all that we can to protect America's rails.

We will work with DHS, TSA, and the Committee to identify funding sources for additional front-line employee training and advanced technology to address these threats.

The security of our system is our top priority, and I look forward to working with the Committee in the coming months to make sure that we have the people, the training, technology, and the intelligence we need to keep our system safe and secure. Thank you.

[The prepared statement of Mr. O'Connor follows:]

PREPARED STATEMENT OF JOHN O'CONNOR, VICE PRESIDENT AND CHIEF OF POLICE, AMTRAK POLICE DEPARTMENT, NATIONAL RAILROAD PASSENGER CORPORATION

Good morning, Mr. Chairman, and thank you very much for the opportunity to testify. My name is John O'Connor, and I am currently Vice President and Chief of the Amtrak Police Department (APD). The Department's strength is more than 500 sworn and civilian personnel at more than 30 locations spread across the 46 states in which Amtrak operates the passenger rail system. I speak to you as someone who has more than 38 years police experience in the passenger rail and mass

transit environment. My testimony today is in response to the emerging threat to rail in this country that was recently highlighted by information obtained from the UBL compound.

During a prior appearance before this Committee, I testified that the threat against rail was very real and I described the manner in which Amtrak had responded by focusing on threats related to the use of IEDs in a station or on a train or by an active shooter scenario. The recent events after the death of bin Laden serve as a stark reminder that these threats continue to be viable and that a new twist was added—that terrorists are considering derailing trains. This is of particular concern to Amtrak who operates high speed rail trains where catastrophic losses could occur. This begs the question—are we doing enough to detect and deter terrorist acts on surface transportation, and can we do more to try to prevent a terrorist rail tragedy from happening?

Upon receipt of the intelligence information from the UBL compound, a meeting was held with TSA officials where discussion took place regarding what was uncovered, and evaluated how to proceed and address threats regarding the right of way and derailment of trains. Amtrak also collaborated with other Federal, state and local agencies and initiated a response that addressed right of way threats. These steps included:

- Increasing right of way patrols focusing on bridge and tunnel infrastructure and to report such checks.
- Shifting Operation Regional Alliance Including Local, State and Federal Efforts (RAIL SAFE) strategy to include right of way patrols.
- Requesting law enforcement air and marine support for critical infrastructure and right of way patrols when possible.
- Reviewing our current Capital Security Plan to ensure our right of way risks are being adequately addressed.
- Deploying special operations personnel to right of way coverage in conjunction with uniform patrol.
- Coordinating with other Amtrak departments (Engineering, and Mechanical) to ensure employee reporting of unusual occurrences and to ensure gates are locked, buildings secured, liaison with bridge tenders etc.
- Alerting employees and reinforcing security programs and vigilance messages.

While Amtrak was undertaking these new countermeasures, it still remained committed to existing programs, such as:

Explosive Canine Detection Program

Amtrak now has 47 bomb-detecting canine teams. Included in this group are specially trained "vapor wake" canine teams that can actually detect the presence of fumes left after someone passes through with an explosive device. Amtrak has moved to the forefront of the field with use of this unique canine application and continues to work to build this counter-terror capability and has about one third of the canine teams vapor wake trained. In Fiscal Year 2010, Amtrak canine teams performed over 11,000 train rides in protection of the traveling public. These activities were in addition to the 34,000 train rides and over a 100,000 gate/platform checks performed by APD patrol officers. Canine teams also conducted 25 coordinated surge operations where groups of bomb-detecting canine teams unpredictably appeared at various locations throughout the entire Amtrak system to show increased security and a law enforcement presence.

Security Inspection Program

In 2008, Amtrak began a random baggage screening program similar to one pioneered by the NYPD. Using technology, screening teams deploy in an unpredictable fashion designed to make it harder for a terrorist to predict the level of security. In 2010, APD's Special Operations Unit performed over 3,000 passenger baggage screening operations in which thousands of trains were screened, resulting in tens of thousands of passengers being randomly selected for screening. Through an American Recovery and Reinvestment Act/Transportation Security Grant program (ARRA/TSGP) Amtrak expanded this screening program by adding two additional screening teams in the Northeast Corridor.

Active Shooter Training

The APD has performed SWAT-type training in the rail environment with over 45 agencies since 2008 and has expanded the program to include a Passenger Rail Tactical Training component in order to increase state and local law enforcement

personnel's awareness and ability to respond and deploy in a rail station or on a passenger rail train car and in extremis responses.

All APD sworn personnel are receiving training on active shooter type incidents.

Corporate Security

Amtrak has leveraged the Transit Security Grant and American Recovery and Reinvestment Act (ARRA) grant programs to improve protection for passengers, employees, and critical infrastructure.

We will never stop assessing Amtrak's vulnerabilities. Many of the projects have built upon earlier risk assessments performed for Amtrak and will be closely focused on addressing these individual vulnerabilities. Use of grant funds to install fences, closed circuit TV and other security improvements is directly tied to Amtrak's commitment to let our risk assessments drive security investment.

The security program is managed in part by Station Action Team personnel. They work closely with the Operations Department to ensure Amtrak security and emergency response policies are followed and coordinated as part of a larger risk reduction strategy that incorporates recovery, continuity of operations processes and drills and exercises. These Station Action Teams along with Regional Security Coordinating Committees have involved our station staffs in the security planning process. This integration has improved coordination and raised employee awareness of potential security threats.

Collaboration with TSA

Amtrak has had a very good relationship with TSA and appreciates the support and assistance it has received over the years from this agency.

Since 2007, Amtrak and TSA started joint deployments with TSA's "Visible Intermodal Protection and Response" (VIPR) team program, which was developed to augment the integral security operations of various transportation modes, such as the Amtrak Police or transit security. These provide a visible uniformed presence and can help dedicated law enforcement to deter or detect suspicious activity, and they provide the traveling public with a reassuring police presence. These operations have basically involved the unannounced "surge" of TSA personnel onto Amtrak trains and stations at various points, and are designed to test the ability of TSA to flex support to surface transportation. A total of 858 VIPR operations have been held since inception.

Amtrak leveraged the success of VIPR operations in 2009 and collaborated with TSA to expand their presence by conducting joint passenger screening operations, using additional TSA assets, including Bomb Appraisal Officers, Behavior Screening Officers and Surface Transportation Security Inspectors to augment Amtrak screening forces.

We have continued to positively develop this relationship by coordinating the Suspicious Activity Reporting Program (SAR) to help identify potential emerging terrorist trends or activities and are presently going through the Baseline Assessment for Security Enhancement (BASE) process with TSA Surface Transportation Inspection Officials.

Northeast Corridor (NEC) Coalition

Amtrak continues to work with major law enforcement and DHS officials from Delaware, New Jersey, New York, Maryland, Pennsylvania, and Washington, D.C. to work in a collaborative way to enhance public safety on surface transportation, particularly for communities on Amtrak's NEC. A meeting was held at the request of NYPD Commissioner Kelly to coordinate and reinforce efforts to protect the public using surface transportation after notification of intelligence information received from the UBL raid.

Operation RAIL SAFE (Regional Alliance Including Local, State and Federal Efforts)

This program, developed in partnership with Amtrak, NYPD and TSA, involves the coordinated efforts of multiple jurisdictions to heighten station patrols, increase police presence on trains, by deploying assets in both uniform and undercover capacity. These operations allow for Federal, state and local agencies to exercise counterterrorism and incident response capabilities.

For example, on May 19, 2011, a RAILSAFE Operation was conducted that involved 155 agencies, 34 states, including Washington, D.C., Canadian cities Vancouver and Montreal and 1,035 law enforcement personnel at 204 stations (107 Amtrak). This was aligned in Europe through RAILPOL with their 24 BLUE European Rail Operation.

Front-line Employee Training

Amtrak has been actively focusing on providing security training to our frontline employees recognizing that they are the eyes and ears of the railroad.

Amtrak employees will continue to be a key piece of our security strategy. They are valuable sources of information that can "cue" the law enforcement system. Amtrak benefits from the services and operational knowledge of upwards of 19,000 people who work on the railroad. They are reminded daily of the importance of their diligence and alertness to suspicious activity, how to recognize suspicious activity and who to report to by way of Daily Crime tips. An Employee Security Handbook and Employee Security Updates are additional resources that outline awareness information.

In 2007, approximately 14,000 frontline employees received classroom training.

In 2009, refresh classroom security training which included civilian version of BASS training was provided to 7,700 Transportation frontline employees. During this year, 2011, about 8,300 frontline Transportation employees are receiving classroom training by way of an interactive simulated course. Along with refresh training on recognizing and reporting suspicious activity, the 2011 training includes a first-time presented scenario on an active shooter incident.

An updated strategic Employee Security Training Plan is being developed which will outline the way forward for security training for all employees, to include a robust multi-year exercise program against a broad spectrum of threats.

Technology

Amtrak has a range of mitigation strategies and solutions in place and planned for the future. Various types of remediation are implemented based upon risk and vulnerability assessments and best practices. Amtrak has focused on a range of strategies including target hardening (high security fencing, bollards, blast curtain/Mylar protection, access control, etc.) and has most recently implemented more technologically driven initiatives. These initiatives have historically been applied to stations, bridges and tunnels however, in light of recent events, Amtrak is exploring expanding these strategies to include right-of-way protection.

Amtrak used the following technologies to prevent, detect and deter terrorist acts:

Blast/Mitigation Studies

- Engineering assessments of structural designs of critical infrastructure (bridges, tunnels, stations and facilities)
- Focus on chemical, biological, radiological, nuclear, explosives (CBRNE) threats and asymmetric modes of attack
- Advanced simulation and modeling techniques to identify exploitable single/multi points of failure and reduce/eliminate the risk of catastrophic consequences, such as loss of life or operational functionality, from an attack

Smart ID Cards (HSPD12—Homeland Security Presidential Directive #12)

- Implementation of HSPD12 compatible employee identification cards to reduce unauthorized access to restricted areas
- The computer chip on the card can be used for security enhancements (*e.g.,* digital signing of e-mails and data)
- Smart ID program has enabled Amtrak to enhance security through identifying and remedying security gaps, and has provided an opportunity to enforce existing access control and employee identification polices

CCTV

- Several CCTV systems are in place throughout the rail network
- CCTV enhances APD's situational awareness and communication capabilities
- Amtrak is looking to augment its CCTV capabilities by utilizing integrated advanced technology (cameras, sensors, fencing, and access control instruments) to protect critical infrastructure
- Potential technology will result in an automated state-of-the-art remote surveillance and intuitive, user-friendly 3–D Graphical User Interface (GUI)
- The systems will be designed using proprietary algorithms and will be ruled based driven to detect anomalies in the camera view

Access Control

- Several access control systems are in place throughout the rail network and APD expects to expand upon current solutions as advancements in access control and intrusion detection when they become available

Radiological Pagers

- Portable trace detector that can detect explosives, chemical warfare agents, toxic industrial chemicals and can do so in approximately 20 seconds
- APD sworn personnel are equipped with radiological pagers while on patrol

Amtrak is developing the following technologies to improve upon existing security strategy and operations, enhance interagency information sharing and local agency response to Amtrak incidents:

iCOP—Integrated Communication and Operations Program

- GIS based incident and response planning tool to enhance situational awareness
- Visually displays integrated data on an interactive multi-user touch screen or desktop system including when officers are on patrol near the right of way
- Utilizes critical infrastructure, homeland security, law enforcement, and Amtrak data for simulations, modeling, alerts and analysis
- Makes crucial data available simultaneously, in real-time, to multiple key decisionmakers to plan appropriate response scenarios and implement operating procedures
- Capabilities include train and officer tracking, access to CCTV feeds, response plans, public safety and law enforcement alerts, floor plans, access control integration, etc.
- Similar to systems recently launched at the Department of Defense—Knowledge Display and Aggregation System (KDAS) and FEMA—Integrated Situational Awareness Visualization Environment (iSAVE)

ROMAN—Risk Operating Management Analysis Network (Secure Network)

- APD's Secure Network is nearing end of development and will provide support for security related technology projects (*i.e.,* iCOP, CCTV, Access Control, etc.)
- Robust and redundant network backbone
- Provides a platform for secure communications & information sharing
- Support CCTV and Video command centers aggregating and displaying internal and external information
- Federalized and centrally managed system

Right-of-Way (ROW)

- Amtrak is currently working with TSA to examine potential technology based ROW intrusion detection solutions
- Solutions would include integrated sensor technology with cameras to monitor for intrusion along the ROW

In conclusion, we are very concerned about recent events and we will continue to work with the federal government to do all that we can to protect America's rails. We will work with DHS, TSA and the Committee to identify funding sources for additional frontline employee training and advanced technology to address threats. The security of our system is our top priority, and I look forward to working with the Committee in coming months to make sure that we have the people, the training, the technology and the intelligence we need to keep our system safe and secure.

I appreciate this opportunity to discuss security at Amtrak and I look forward to any questions.

Senator LAUTENBERG. Thank you very much.

I would note now that we're joined by Senator Wicker. Senator Wicker is not new to the Surface Transportation Subcommittee, but he is now the Ranking Member of this subcommittee. I welcome him and I look forward to working with him on the Subcommittee.

What we'll do, Senator Wicker, if you have something very short, you can do it now. Otherwise, use the time when the questions are——

STATEMENT OF HON. ROGER F. WICKER,
U.S. SENATOR FROM MISSISSIPPI

Senator WICKER. I would prefer the latter. Thank you very much, Mr. Chairman.

Senator LAUTENBERG. Thank you very much.

Senator WICKER. I'm glad to be joining you in that position on the Subcommittee.

Senator LAUTENBERG. We look forward to working with you. We know you have a serious interest in rail safety, and we want to pursue that interest with you.

I just got a news report that came out today, and it talks about tampering on the rail system in Iowa. It says that on a recent Sunday morning, an observant Iowa Interstate Railroad crew member on a westbound train spotted something that didn't look right at a switch just west of a town called Menlo, and they immediately stopped traffic there and were able to deal with the problem as they saw it.

It was designed to be an attack, and it was interrupted by the heightened interest of a rail employee, and it was turned over to the federal authorities to pursue what was intended there and helped us in registering more concern, more interest in these kinds of things, even as we talk to them this very day.

So I start by asking Administrator Pistole, the TSA budget request continues to designate 98 percent of the funds to aviation, and we want that care to continue. But it leaves a relatively small percentage of the funds for surface transportation security. And as I mentioned in my commentary, 700 million passengers fly on airlines each year, compared to the 10 billion who use public transportation. And news reports indicate that al-Qaeda has been plotting an attack on a U.S. rail line.

So how does the TSA budget request reflect our concern and our actions against rail system attack, Mr. Pistole?

Mr. PISTOLE. Thank you, Mr. Chairman. Obviously, we would be very much interested in applying more resources to surface transportation and rail transportation, in particular to the security aspects. We try to be risk-based and intelligence-driven in our process of recognizing both al-Qaeda, al-Qaeda in the Arabian Peninsula's interest in particular as to aviation, and the catastrophic effects as we saw from both the attempted bombing on Christmas Day, 2009, and then the cargo plots that we saw only cost al-Qaeda $4,200 for those two toner cartridge printer devices and the shipping of those two packages. And we saw bin Laden's statements about that and al-Qaeda in the Arabian Peninsula's statements about the economic impact, and recognizing that at least two of bin Laden's fatwas prior to his death concerned the economic impact. That's not to say that there's not an economic impact if a train is derailed or anything along those lines.

But what we try to do is recognize the exceptional efforts of both the Amtrak Police and then those in state and local law enforcement and in the rail industry that have taken efforts and measures

on their own simply in terms of risk mitigation to do those things that they know are prudent in terms of whether it is the additional police officers or canines, such as what Chief O'Connor testified to; whether it is augmenting with transportation security grant funds, which I mentioned, that we try to do in terms of operational deterrence; training; and then other things such as the VIPR programs that we mentioned.

So we try to do all those things, recognizing that we can't be all places, all people, all times. So how can we leverage federal government resources with state and local and Amtrak to provide the best possible security posture?

Senator LAUTENBERG. Well, the question is, as raised further, in the past year law enforcement has uncovered plots against both the New York City subway and the D.C. Metro, and yet what the House sent over, recommends funding that's carelessly established to support the public transportation security grants by 55 percent below this year's recommended levels.

Now, what would an impact like that do to transportation security grants that we have to have for the safety and security of the traveling public?

Mr. PISTOLE. Mr. Chairman, it would have a serious and significant impact if that were to go forward in several areas. One would be the training, which we would be unable to do. For example, we recently had a conference call with the chiefs of police from many of the metro police departments. We call it the Policy Advisory Group, including Chief O'Connor. And one of the things they requested as a result of the bin Laden raid was some video training, basically a videotape that could be provided, that we could produce and provide to, for example, the engineers, those who work on the lines, that deals with sabotage, and particularly what can be done in terms of trying to take preventive steps to prevent sabotage; and in the event there is, then what steps can be taken to avoid the impact of that. So that would be one area.

The operational deterrence, another area. The critical infrastructure would be another area. As you know, some of the PATH, the Port Authority Trans-Hudson lines between New Jersey and New York have some issues that we have talked about previously. Some of that funding may adversely affect some of the continued risk mitigation efforts being done in those areas. And then there may be reduced funding for, for example, the operational efforts that Amtrak and others would have with additional canine teams or uniformed officers that can do the random, unpredictable patrols.

Senator LAUTENBERG. Yes. I'm extending the time that I have for asking questions. I'm going to come back to you, Mr. Pistole, because what I hear you saying is that there are many things that we could do, and the question is what is missing from the application of these ideas that leaves us with more risk than I think we ought to be accepting.

With that, I ask Senator Hutchison to take——

Senator HUTCHISON. Well, thank you.

We understand the stretch that you have across all the transportation modes. So I'm not going to rail on you about how much of your budget you are allocating to rail, but I am going to rail on you to this extent. And that is what, for instance, are you doing about

hiring the inspectors that you do have in this area with some mass transit or rail experience which had not been done as of April of 2010 when we had a hearing like this?

Second, what about the 400 FRA inspectors? They're doing safety, but what about adding security to their portfolio and coordinating with the Federal Rail Administration?

And last, I would just ask this of you, Mr. Pistole. What is the association and cooperation between TSA and DOT? How would you rate that, and can you do more with what you have that would help this situation?

And I'm glad you all mentioned about Osama bin Laden's information on his computers that we found, because clearly they saw that there was a void of interest in this area, so now we are forewarned.

Mr. PISTOLE. Thank you, Senator. In terms of your first question on the transportation security inspectors, obviously we are looking for the best qualified, and I think there are things we can do and are doing to always recruit and then retain those with exceptional backgrounds and experience. And so there's more we can do in terms of specializing, I think to your point, that will address some of those issues that perhaps have been raised in the past. I wasn't present for that April 2010 hearing, but I understand some of the issues that were raised.

Senator HUTCHISON. But do you think we are doing that?

Mr. PISTOLE. I think we are, but we can do more, yes.

On your second point in terms of the FRA, the 400 inspectors, I'll take that back. I don't see any reason why we can't add that training that we are providing, whether it is for Amtrak or other rail, passenger and freight rail providers, to add the security aspect to their safety issues. But I'll take that back and look at that.

And then on the last issue, I didn't write that one down. I apologize.

Senator HUTCHISON. The cooperation——

Mr. PISTOLE. Oh, yes, with the DOT, right. I think it's good. Secretary Napolitano and Chief O'Connor and I had a meeting with Secretary LaHood, last month I guess it was, to talk about some of the issues involving particularly passenger rail. I think there are a lot of things that we are doing well. I think we could probably streamline and leverage some of those relationships in a more effective way, so that's something I'm interested in looking at, basically to get the best return on our U.S. taxpayers' investment in freight and passenger rail security.

Senator HUTCHISON. Thank you.

Thank you, Mr. Chairman.

Senator LAUTENBERG. Thanks.

Senator Wicker?

Senator WICKER. Thank you, Mr. Chairman.

Gentlemen, thank you for your service and for your testimony. Let me ask you about the incident that happened yesterday here in the Washington area, and I would reference a story in the *Washington Post.* It has been on the television and radio also in the last 24 hours.

A 51-year-old McLean woman is being held at an undisclosed mental health facility after she allegedly made bomb threats on a

Red Line train Monday morning. Passengers fled the train. Some riders evacuated on the track bed, according to eye-witnesses. The Rockville station was closed for about 2 hours while K9 units searched. No explosives were found, and apparently this woman was more of an emotional case than a terrorist threat.

But she reportedly got down on her knees, said you killed my family, now I'm going to kill you all, and a melee ensued. Passengers pressed the call button, one rider called the transit police, and a number of people just jumped off and ran at a place that was not a station. Panicked passengers used emergency release levers to open train doors manually, jumped on the track and began walking toward the nearest station.

Have any of you looked at this? Do you have an opinion about what worked well and what didn't work well, and can the Committee learn any lessons from the incident that occurred yesterday?

Mr. O'CONNOR. Senator, I am familiar with the incident. I haven't seen the official reports, but what is described there does not surprise me. In a previous career, my department dealt with an incident with a gunman on board a train, Colin Ferguson on the Long Island Rail Road back in 1993, who actually killed the husband of a Member of Congress. And the response by the passengers on board the train was certainly very similar to what you're describing now.

It appears that the woman was very credible, very believable, and those people truly believed that their lives were imminently in danger, and they took what action they thought was literally going to save their lives.

One of the things we do at Amtrak is actually try to teach passengers evacuation plans, both in the stations and on board the trains. I think probably all agencies should take a look at their programs and see whether or not we need to reinforce that and put additional training out there for the passengers. In today's world we have active shooter situations, we have situations that require rapid responses on the part of the public, and they need to be part of the solution, and we need to provide the training for them.

Senator WICKER. Mr. Lord?

Mr. LORD. Yes, I would agree with Mr. O'Connor. I think the entire incident underscores the importance of providing additional training on emergency response and evacuation procedures. A lot of the time and attention is focused on deterring an attack, preventing an attack. But once an attack happens or it appears imminent, I think there needs to be increased focus in that area. In my statement today, that was one of the issues we highlighted, the TSA's efforts to introduce new regulations that would set up programs for the training of front-line rail employees. We think that's important, because the program requirements stipulate various requirements, one of which is training and evacuation procedures.

Senator WICKER. Do either of you have an opinion as to what would have been the best response of alarmed passengers at this incident? Did they endanger themselves? Did they risk electrocution by jumping off at that particular spot?

Mr. O'CONNOR. They did, yes.

Senator WICKER. What would you have liked for them to have done?

Mr. O'CONNOR. It would have been preferable if they could escape to the platform if that were possible. But when there's a mad dash to the door, sometimes that's not possible. Clearly, in a panic situation like that, you want to try to do whatever you can to quell the panic and direct people to a safe evacuation.

Senator WICKER. Well, thank you. I think I'll take another round later on, Mr. Chairman. Appreciate that.

Senator LAUTENBERG. Senator Boozman, welcome. And please take your opportunity to ask any questions that you have.

STATEMENT OF HON. JOHN BOOZMAN,
U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. Thank you, Mr. Chairman.

Mr. Pistole, I'd like to follow up just a little bit on what Senator Hutchison asked in terms of the responsibilities of TSA versus others. I know there has been some statements that TSA has stated that they're not the lead and it's others' responsibility. We all understand that. Are we clear on those lines of who does what?

And then the other thing is you mentioned a few minutes ago in response to your question that you saw some areas where we could do a better job. Could you elaborate on that and perhaps tell us a little bit more?

Mr. PISTOLE. Sure, Senator. So I think there's clear understanding of those in the government and industry in terms of TSA's responsibility as it relates to security; and then, for example, DOT's responsibilities in the areas of safety, similar to what FAA has on the aviation side on safety and TSA has for security. So I think there's clear understanding in most respects.

Part of what I was referring to on some of the streamlining is just, for example, the training facilities that DOT has. For example, there's an outstanding training facility for rail safety and security in response to, for example, a freight rail with toxic inhalation hazard, a derailment, which is located in Pueblo, Colorado. There are other locations. There's one that the National Guard runs in Harpers Ferry, West Virginia that there may be some efficiencies achieved by doing some things. In fact, I'm visiting that with OMB on Friday to look at that.

So that's one thing on the training side.

Senator BOOZMAN. Can I ask about that, then? If you establish that that were the case, is that something that you all could work out, or would you need our help in fixing that, or is that an administrative thing?

Mr. PISTOLE. No. I think that would be worked out within the Administration just to say, OK, here's—the question is are we providing services to different audiences? So it's one more focus. I visited Pueblo. I have not visited the West Virginia one, so I just don't have all that information right now.

Senator BOOZMAN. OK. Very good.

Thank you, Mr. Chairman.

Senator LAUTENBERG. Thanks, Senator Boozman.

I want to ask a question of Mr. O'Connor, as well as Mr. Lord. One of the primary benefits of rail travel is the ability to move easily, efficiently, get on the train, get moving to your destination. How is it going to be as efficient, as rapid for us to be able to bal-

ance the security needs with a more detailed review of who is boarding the trains?

Mr. Lord or Mr. O'Connor, let me ask you first because you've got the force out there.

Mr. O'CONNOR. Sure, Senator. It's critical that our systems remain open and free. It's part of who we are as Americans. That being said, there are layers of security that can be applied in the transit environment that reduce the vulnerability, and we're doing that by training our police officers in behavioral assessment, by training our employees in how to spot suspicious behavior and activity, and also layering in random screening of bags, K9s both in the stations and on board the trains, as well as the use of technology, and technology is improving all the time, and we're working with the TSA on new technology.

So I think it's important that we keep the system open and free but layer in these random, unpredictable security activities as to disrupt anybody who might be planning something untoward.

Senator LAUTENBERG. Mr. Lord, I may be stretching your responsibility here, but do we know enough about the systems? If you're not familiar with this, please feel free to say so. With the systems that are available, the technology that's around, how do you apply that to the millions of people who daily get on a train in a very short period of time? As the day moves across the country, the load stays about the same. You're talking about millions of people moving each day. So I'd love to have an answer that Mr. O'Connor suggested can be applicable, but you do have the time factor on the other side.

Mr. LORD. Given the multiple access points and open architecture of the system, it would be extremely difficult to screen all passengers against—I believe you're referring to a terrorism watch list, something analogous to what's being done on the aviation side of the House.

Senator LAUTENBERG. Even more than that. But now we find this erratic person who challenged the system just the other day. How do you prevent people who would bring harm from being able to get into the train, get on the train, and cause the mayhem?

Mr. Pistole, is there anything that you see that wouldn't violate the security obligations that we all have here that can so rapidly discern problems when you've got millions of people moving that would enable you to provide the kind of risk aversion that we'd like to see?

Mr. PISTOLE. Well, the short answer is, as you know, it's very difficult. It's problematic. What we do try to focus on are those areas, those points of vulnerability and, as Chief O'Connor mentioned, using canines, random unpredictable patrols, the undercover officers who may be looking for suspicious activity, and then recognizing that, at least from the TSA perspective, part of our job is to promote the free movement of goods and people with the best possible security. So it's a balance between that commerce moving, people moving, with security.

So the idea, and we talked about this last year in your office, about trying to do individual screening just does not make sense from our perspective on the rails.

Senator LAUTENBERG. Yes, and you have to walk away with one conclusion that I think is fairly obvious, and that is the presence of a security apparatus, including people, has to be obvious. They have to know that there are people who are watching, whether it's the K9 or their presence. I love seeing them. The problem I found out is that the dogs get more tired than the officers who are handling them. You've got a problem. I see a dog stretched out there, and the poor dog, I want to pick him up and give him a little hug and a little water to get him going again.

But the fact of the matter is I think it has to be obvious that there is a presence. The TSA has a program, "See Something, Say Something," but there have to be reminders that there are people who are looking out for our interests, and the fact that it's randomized I think has a value of its own. So, thanks.

Senator Wicker?

Senator WICKER. It is—I would yield to Ms. Klobuchar for questions if she has questions.

Senator LAUTENBERG. That's very kind of you.

STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA

Senator KLOBUCHAR. OK. Thank you very much.

Senator LAUTENBERG. I would have had I had the time, too.

Senator KLOBUCHAR. That's very good. Thank you.

Senator LAUTENBERG. Senator Klobuchar.

Senator KLOBUCHAR. I really appreciate that.

Thank you, all of you, for being here for this important hearing. And thank you, Chair, for having this hearing. I think it's incredibly important. We are very focused obviously on air safety, but I think as the Chairman knows, we have to always be very diligent with our rail system. It's so critical with goods and the flow of people across our nation, and an attack could cause not only high casualties but also severe disruption to interstate commerce. So I appreciate hearing from you on this today.

I have a question. First of all, I used to be a prosecutor, Director Pistole, so I'm very focused on coordination with local law enforcement. And I know you discussed several of the initiatives that TSA has undertaken to streamline coordination with local law enforcement. And could you expand on that and discuss them more in detail? And to what extent does TSA not just direct local law enforcement but also integrate their expertise into its own oversight and assistance programs?

Mr. PISTOLE. Thank you, Senator Klobuchar. I would describe it in three ways. One is on information sharing. What can we provide on a timely basis to state and local law enforcement, and obviously rail security police, such as we did on Monday, the day literally within 12 hours of President Obama's announcement about the killing of bin Laden? And so we convened a conference call with all the major stakeholders in local law enforcement and the Metro police, transit police, to say here's what happened, be aware of possible retaliatory actions that may take place, no specific intelligence about that. And then on Wednesday of that week, when we received the information about the plot on the 10th anniversary of

9/11 to derail a train, we provided that information. So that's one area, information sharing.

The second is in training, recognizing that state and locals, as in your experience as a prosecutor, my experience as an FBI agent, state and locals usually have the best resources locally and the best information, intelligence in connection with the community that they can do the best possible job if we in the federal government can enable them, whether it is through grants such as the Transit Security Grant Program, or with specific training they can augment, or it might be through the VIPR teams where we can engage with state and local law enforcement to say, OK, here's some operational deterrence things that we can do.

The last is in—the third area is in the critical infrastructure improvement. So if there are critical infrastructures in the particular locale, how can we be informed by state and local police and transit authorities to say here's what they assess as being the vulnerable points? How can we work collectively to shore up those vulnerabilities?

Senator KLOBUCHAR. And also I know that TSA works with the rail stakeholders in the private sector, and according to the GAO, many stakeholders don't have the computer access they need to receive TSA security updates, and they don't quite know what to do with them. Can you discuss your understanding on the current state with those stakeholders?

I just remember from the aviation issues, working with Delta, which has a hub in Minnesota, when things came up at the beginning about the change in the aviation security standards, that there were some issues there. So if you could comment with rail.

Mr. PISTOLE. We have taken a number of steps, and GAO identified some of those areas that we could improve upon over the last several years, and I think we've made some good improvement, recognizing that we can do better. But there is an interdependency, as you note, with the stakeholders on their ability to receive the information, especially if there's classified information which we want to provide.

But it really comes down to several things. I actually brought a folder of intelligence bulletins that we share with both stakeholders and state and local and transit police; different bulletins, whether it's about, for example, the Mumbai attack, the active shooter scenario, or the Moscow attack, both the subway attack and at the airport. We have a bulletin which Steve Lord mentioned, TRIAD. It's a daily intel report that we are developing.

But what we're really looking for is input from industry and the stakeholders as to that actual intelligence, what they are really looking for, and recognizing that there's very little actionable intelligence. Mostly the strategic intelligence about, OK, al-Qaeda wants to hurt us, al-Qaeda in the Arabian Peninsula particularly. Here are things they've done in the past. Here's what they may do. But other than the 10th anniversary of 9/11, that's the really only actionable intelligence as to a specific plot, other than those that the Chairman mentioned earlier about Zazi in New York City or the individual here in D.C. for the Metro, which is really an aspirational plot as opposed to something that was operational.

Senator KLOBUCHAR. Just one last question. I know during your nomination hearing you and I talked in my office, as well as at the hearing, about worker morale with TSA. And I have to tell you, we talked about this before but I've seen some improvement, just talking to people, and it's just anecdotal, that work at the airports. Some of it has to do with when you stood and defended their honor during the whole pat-down controversy, when they were just doing their jobs. But I wondered about morale among rail security TSA workers and if you have any thoughts on that.

Mr. PISTOLE. Well, I have the perspective only from the Transportation Security Inspectors, those TSA employees who work with industry. I would defer to Chief O'Connor and Steve Lord in terms of what they have received. But I believe overall that morale is improving within TSA. There are a number of initiatives that we have going, and I think we have a lot of good things that people are proud of doing. I'm glad to hear your anecdotal information. That's even with your particular situation and——

Senator KLOBUCHAR. You mean the fact that my hip is checked all the time?

Mr. PISTOLE. I was not going to raise that, Senator, but, yes——

Senator KLOBUCHAR. It's a chronic sort of——

Mr. PISTOLE. I'm glad to know——

Senator KLOBUCHAR. It sounded sort of—"your particular situation" sounded——

Mr. PISTOLE. I'm glad to know that there have been some positive encounters there, Senator. Thank you.

Senator KLOBUCHAR. Chief?

Mr. O'CONNOR. Yes. Every day the TSA sends us screeners to work with our officers in multiple cities across the nation, and the screeners that come are well trained, and they actually enjoy the break from the airports, working with us. So they get a little bit closer and a little bit more interactive. They don't have to go through the whole pat-down routine, but they do help us with explosive detection, as well as behavioral detection, and they work very good in the rail environment.

Senator KLOBUCHAR. Thank you.

Senator LAUTENBERG. Thank you very much, Senator Klobuchar.

Senator Wicker?

Senator WICKER. Thank you. Mr. Pistole, did I understand you to say that the Zazi plot in New York City was more aspirational than real?

Mr. PISTOLE. No. I'm sorry, Senator. That was a very real plot. The one that was disrupted here locally in Washington, D.C., the Metro last fall——

Senator WICKER. That was Farooq Ahmed.

Mr. PISTOLE. Yes. And I say aspirational only from the standpoint of he was interested in doing something, but he was doing it with an undercover FBI agent, and he did not have the means of doing it, whereas Zazi clearly had the means, the motive, the opportunity. But because of good information and intelligence sharing, that plot was disrupted.

Senator WICKER. Yes, sir. Zazi had homemade bombs, materials, with an intent to detonate them right there in Manhattan. What

can you tell us in a public hearing about how we detected these two plots, speaking in general terms?

Mr. PISTOLE. I can say that it was because of very good intelligence sharing in the Zazi case. Of course, I was with the FBI at the time and helped to oversee that investigation, and it was very collaborative work between the Joint Terrorism Task Force in Denver. Of course, Zazi was in Aurora, Colorado. There, he and relatives had been buying ammonium peroxide from several beauty supply stores, and so there were actually some trip wires in place to have that identified if somebody was buying suspicious amounts of peroxide, for example.

That did not work as effectively as it should have, but then because of the information sharing with state police and actually tracking him as he drove through the night from Colorado to New York City, and then working with NYPD, there were some issues that could have been improved in that regard in terms of how that was all actioned.

But the bottom line was he and his two co-conspirators were tracked and were disrupted before they were able to carry out their plots with the backpacks. There were nine backpacks found in the apartment they were staying in, and we believe they were going to put those, the devices, the peroxide-based bombs in those backpacks and go in the New York City subways.

Senator WICKER. Do you view that as an attack that actually could have been brought to fruition——

Mr. PISTOLE. Absolutely.

Senator WICKER.—had authorities not intervened?

Mr. PISTOLE. Absolutely. He was clearly intent on doing that. He had built a device at a hotel in the Denver suburbs, and he was prepared to go about doing that. He had been trained back in Afghanistan. So, yes, he was ready to go. Pakistan; I'm sorry.

Senator WICKER. Thank you very much. Let me just shift in the remaining moments to requirements contained in the implementing recommendations of the 9/11 Commission Act of 2007.

Am I informed correctly that mandated security training requirements are still not final, and that background and immigration checks of front-line public transportation rail employees are still not finalized? Am I correct in that information?

Mr. PISTOLE. You are.

Senator WICKER. Why is it taking so long? 2007, and here it is 2011, and the training requirements are not in place, and the background and immigration checks are not in place.

Mr. PISTOLE. So for some context, Senator, out of the 118 provisions of the 9/11 Act, 74 have been complete, 14 are overdue, and you've mentioned 2 of those. The training has actually taken place, but the Notice of Proposed Rulemaking which was mentioned earlier has taken much longer, in my mind, than it should have, and that is in process.

So the substance has actually taken place, but the process for the NPRM has not been finalized, and so that's still in progress. As you know, that is a several-year process.

The other one, we should have that out by December, by the end of this year, is what I understand. But again, I agree, it has taken too long. We did focus on the top-tier priorities, and those have

been addressed and successfully completed. Training is a top priority, but it just was not done on as timely a basis as it should have.

Senator WICKER. Do I understand the rulemaking process for something of a national security issue such as this is really the same as the process for the implementation of a rule involving a labor law or an environmental law? It's the same process?

Mr. PISTOLE. It can—yes, it's generally the same process. Yes.

Senator WICKER. Do you—would you advocate, in cases of national security legislation, would you advocate a streamlined rulemaking process——

Mr. PISTOLE. Absolutely.

Senator WICKER.—for that?

Mr. PISTOLE. Absolutely, and I would appreciate support on that.

Senator WICKER. Are you aware of any proposal coming from the administration in that regard?

Mr. PISTOLE. Not off the top of my head. I could look at that and get back with you, Senator.

Senator WICKER. Well, Mr. Chairman, it just seems to me, when we have our allies suffering from attacks in London and Madrid, when we see 40-plus fatalities in Moscow, 200-plus fatalities in India, and there's a national security issue, it seems that the rulemaking should be different than the rulemaking with regard to the construction of toys or a new way of looking at labor laws.

But in conclusion, let me just observe, Mr. Chairman, that somebody must be doing something right in the fact that we've not had these incidents I mentioned as in the other four locations. It's something to be proud of. That's not to say that something won't happen this afternoon or tomorrow, because the threat is ongoing. But I think we are very fortunate in that we have escaped this type of attack for as long as we have. Thank you, Mr. Chairman.

Senator LAUTENBERG. Thanks very much. I think it's fair to say that we have been diligent, that we've intercepted many plans for people who wanted to bring destruction to the system, and I congratulate all branches of the area that are concerned, whether it's GAO or the Amtrak police, Mr. Pistole and the TSA. Your people are hard at work, that I genuinely believe, and we urge you to keep on the diligence.

Something happened in the last couple of—things happened in the last couple of weeks which are distressful, and I address this to Mr. O'Connor, about the walk-through from New York to New Jersey through the PATH train tunnel without being detected by security. Others came, were walking through secure passageways.

I don't know what measures Amtrak has in place to prevent something similar from happening in its rail tunnels, but obviously it has got to be there. We need to know that these access ways are secure and that we're not going to have people just wandering through there and doing whatever they want, as well as bringing terrible risk to the passengers or the system itself, that we are not missing the evidence that we've seen in front of us and not curbing it before it takes place.

Mr. O'CONNOR. I agree, Senator. Funding that has been provided by DHS TSA to New Jersey Transit, as well as to Amtrak has been used to put some systems, some surveillance systems in that have

been helpful to us in protecting those entrances to those tunnels. But given the recent information coming out of the bin Laden compound, we're looking to do even more, and we've been in discussion with the TSA in terms of operationalizing some of the grant funding to put additional security personnel out at critical infrastructure until we can target-harden some more bridges and tunnels that we're concerned about.

So in short order, there will be, besides the additional patrols we're doing, there will be some additional fixed security areas that will help further protect critical infrastructure.

Senator LAUTENBERG. Because I think it's obvious that fairly simple technology is available to provide the camera views of these access points, and somebody sitting in a facility, an office, can maintain watch on lots of these places without a lot of trouble. So I would urge that.

Before I came to the Senate I was a commissioner of the Port Authority of New York and New Jersey, and I'm not sure what prompted me as I look back because this was some years ago, 1978 specifically. I decided that I would walk through the tunnel, not unescorted, and I did, through the PATH train, New York and New Jersey, as you mentioned, and I found some distressing things. Emergency doors were locked, fire exits locked, electric light systems that were antiquated and resulted in lots of lights going out. If one of them went out, it was the whole system not in use anymore, but at that point in time it was.

So surveillance of those facilities has to be there, and as inviting as they might be for the curious, they're even more inviting for those who would bring terror or mayhem to our public.

I thank you all for your participation today, and we're to make an announcement that we'll keep the record open for a couple of weeks. We'd ask that any questions you get, please respond to them as promptly as you can.

With that, this hearing is adjourned. Thank you.

[Whereupon, at 4:04 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO HON. JOHN S. PISTOLE

Question 1. Under TSA's current command structure, Transportation Security Inspectors report to a Federal Security Director (FSD) at a nearby airport. In the past, the Inspector General has recommended that TSA place surface inspectors under the authority of a TSA headquarters official responsible for surface transportation. TSA has rejected this recommendation every time. Can you assure us that surface transportation security remains a priority despite this aviation-centered structure?

Answer. Transportation Security Administration's (TSA) Federal Security Directors (FSD) deploy Transportation Security Inspectors—Surface through a risk-based approach and ensure coverage of key passenger rail and mass transit facilities in their regions. FSDs and Assistant Federal Security Directors-Inspection (AFSD–I) undergo surface transportation-related training, such as Rail Road 101, Highway Motor Carrier Safety, and Visible Inter-modal Prevention and Response, at the Transportation Technology Center in Pueblo, Colorado. Additionally, FSDs participate in various workshops and conferences focusing on surface transportation security issues, roles, responsibilities, and the agencies' regulatory authority. Surface Regional Security Inspectors monitor and report local FSD/AFSD–I activity to ensure it meets TSA's oversight requirements in the surface mode. TSA's cadres of inspectors assess compliance, national program delivery, and provide outreach on security assets in the surface transportation system. TSA headquarters provides program oversight to ensure work products at each location meet the frequency and quality mandated in the Regulatory Activities Plan.

TSA remains committed to prioritizing the functions of inspectors in surface transportation under the oversight of its FSDs and in line with the latest Transportation Sector Security Risk Assessment. This effort is further solidified through the deployment of six Regional Security Inspectors for Surface Transportation (RSIs–S) who report to TSA headquarters. RSIs average more than 33 years of surface transportation experience and are recognized by the Association of American Railroads (AAR) as the surface security subject matter experts in the field. The team of RSIs, including an RSI dedicated to Amtrak and an RSI Coordinator, provides day-to-day support to field Area Directors (AD), with the Office of Compliance Programs at TSA headquarters providing overall program strategy and supervision. TSIs are responsible for all surface-related inspection, compliance, and enforcement activity within the areas of responsibility of the FSD offices. RSIs are responsible for strategy across the country and have direct corporate interactions with TSA's major stakeholders. Their positioning throughout the country provides active oversight of surface transportation security enhancement activities. One of the ongoing goals of TSA's Surface program is to continue an enhanced relationship with mass transit entities to identify effective practices that will lead to improving security in the midst of an evolving and changing adversary and threat stream.

Question 2. At a hearing in April of 2010 I expressed concerns about TSA's hiring of inspectors with no rail or mass transit experience. Assistant Secretary Heyman assured me that TSA was making an effort to focus more on surface transportation experience when hiring inspectors. Has any progress been made in this area over the past year?

Answer. Yes, employment eligibility now requires certification of surface transportation experience at each level with more substantial experience required for the higher pay bands. The employment of all TSIs, regardless of the transportation mode, is now processed at the airport through the Assistant Federal Security Director-Inspection (AFSD–I), who is the first-line supervisor and the recommending official for selections and at some locations the selecting official. At airports where an AFSD–I is not physically located the Federal Security Director (FSD) makes the selection.

Question 3. The Federal Railroad Administration (FRA) has about 400 inspectors around the country. Would it be possible for these inspectors to be trained to handle some of the responsibilities of TSA inspectors to improve efficiency and lower the cost of inspections to the taxpayers?

Answer. The Transportation Security Administration (TSA) is the Sector-Specific Agency within the Department of Homeland Security (DHS) responsible for the security of the nation's transportation systems. DHS and TSA have engaged the Department of Transportation (DOT) and the FRA in several memoranda of understanding (MOU) and memoranda of agreement (MOA) which include roles, duties and responsibilities of the inspector workforce, and the sharing of information between the two agencies. TSA inspectors have worked with FRA inspectors in the past in an effort to minimize the number of inspections for a specific stakeholder/location. In the event a possible safety violation is identified, TSA security inspectors notify FRA safety inspectors, and vice versa, with regard to possible security violations. Regional Security Inspectors for Surface Transportation (RSIs–S) attend the regional FRA Safety Conferences, where they provide an overview of the TSA inspector's roles and responsibilities. RSIs continue to share information at the appropriate level in the field at every opportunity. Both TSA and FRA use data-driven models to assign inspection resources to areas with higher risks with respect to security for TSA inspectors and safety for FRA inspectors; assigning FRA's inspectors additional security duties would dilute the ability to focus on both types of risks. While responsibilities regarding safety and security remain separate, both the TSA and FRA continue to work in leveraging their respective workforces.

PREPARED STATEMENT OF BRIAN MICHAEL JENKINS, DIRECTOR, NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE, MINETA TRANSPORTATION INSTITUTE

Public surface transportation—trains, buses, stations, even groups of people waiting at bus stops—offers terrorists an attractive target: easy access and easy escape; concentrations of people that enable attackers to achieve high body counts; confined environments that enhance the effects of explosives and unconventional weapons; opportunities to cause great disruption.[1]

The terrorist threat to public surface transportation is real. Since September 11, 2001, terrorists have carried out 75 attacks on airliners and airports worldwide causing 157 deaths. During the same period, terrorists (as of May 22, 2011) carried out 1,804 attacks against bus and train targets, killing more than 3,900 people.

Terrorist attacks on surface transportation have increased in volume and in lethality. While terrorists remain obsessed with attacking aviation targets, the number of terrorist hijackings and sabotage attempts has declined. At the same time, however, terrorist attacks on trains and buses have increased. Counting only incidents with fatalities to avoid increases due solely to better reporting, terrorists carried out a total of just 15 attacks with fatalities between 1970 and 1979. The number grew to 43 attacks with fatalities in the 1980s, 281 in the 1990s, and 465 between 2000 and 2009.

Terrorists see surface transportation as a killing field. Eleven of the attacks since 9/11 resulted in 50 or more deaths and three of the attacks killed nearly 200 people. The total number of fatalities in these 14 attacks is the approximate equivalent of seven airline crashes.

The West is not immune. Most of the attacks and the more lethal attacks have occurred in the developing countries like India and Pakistan, but there have been significant terrorist attacks on trains in Spain, the United Kingdom, Russia and Japan. Further terrorist attacks have failed in the United Kingdom and Germany and serious terrorist plots have been uncovered in several countries.

It can happen here. Since 9/11, there have been seven reported terrorist plots involving attacks on trains in the United States.

The Mineta Transportation Institute's database shows that:

- Bombs were used in 74 percent of all attacks.
- There were more attacks against bus targets than train targets (49 versus 26 percent) but attacks on trains are on average more lethal with 5 fatalities per attack versus 3 fatalities per attack for buses.

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[1] This testimony draws on research sponsored by the Department of Homeland Security, the Office of University Programs, and the Department of Transportation's Research and Innovative Technology Administration.

- Suicide attacks are less lethal than concealed bombs left behind in passenger compartments, which are the most lethal form of attack. (This has important security consequences.)
- Jihadist terrorist attacks on surface transportation are most lethal. More of their attacks involve fatalities; and nearly 9 percent of these involve more than 25 fatalities each.

We should not fixate on suicide bombers. Obviously, not all security measures work against suicide bombers, but recruiting suicide bombers is difficult and significantly raises the threshold for attackers. Only two of all of the jihadist terrorist plots in the United States involved suicide attacks. And the deadliest terrorist attacks on trains in Madrid and Mumbai involved bombs concealed in abandoned backpacks and suitcases.

Employee and passenger awareness counts: 16 percent of bomb attacks have been stopped prior to their detonation because of an aware public. More can be done here.

High-Speed Rail—Tomorrow's Terrorist Target?

Terrorist attacks on high-speed rail systems have occurred in France, Germany, Japan, Russia, Spain and Switzerland. In Europe, Asia and North America, high-speed rail trains are seen as icons of a country's identity and economic power, and typically they serve a customer base that represents the country's government and business elite.

When terrorists attack high-speed rail systems, they seem to prefer to derail trains. When they go after non-high-speed rail systems, they more often try to detonate bombs in passenger compartment. Most attacks on high-speed rail systems target the tracks (66 percent) versus the passenger compartment (17 percent). More attacks on non-high-speed rail systems target the passenger compartment than the tracks.

Terrorists choose between volume and velocity. Passenger loads on high-speed rail trains, per-car and per-train are less than slower-speed commuter or regional trains. This explains why high lethality with bombs detonated in passenger compartments is more achievable on a non-high-speed train. On the other hand, train velocity is obviously much greater on high-speed trains, making collisions or derailments a more attractive and effective choice of attack method.

Was Osama bin Laden on the right track? Based on a statistical review of outcomes from accidents on high-speed rail systems, the ultimate tactical goal for terrorists most likely would be to focus on a derailment that forces the train to either collide at high speed with another train, bridge abutment or wall, or go off a bridge or embankment into a body of water or fall/roll down a significant elevation.

Bombs placed on the tracks are on average twice as lethal for high-speed rail than those placed in the passenger compartments. For non-high-speed rail, bombs in passenger compartments have proved to be more lethal than bombs on the tracks.

Overall, derailments involving mechanical means of sabotage have proved that they can be more lethal than bombs on the tracks. Technology, particularly on high-speed rail systems, will cause train operations to cease if a bomb detonates and causes catastrophic destruction prior to train arrival. Effective use of explosives, as in the Russian Nevsky Express attack in 2009, requires the detonation to be timed perfectly with a train's passage. Even in this attack, more casualties were crush and impact injuries and fatalities, occurring in the derailing rear cars (numbers 12, 13, and 14) of the train than those caused by the explosion under the 9th car.

High-speed rail track and equipment safety enhancements have made accidental derailments less lethal. High-speed train sets are designed with relatively rigid, semi-permanent connections while slower-speed trains rely on traditional "knuckle" couplers. These more rigid connections greatly reduce the probability of a train "jackknifing," or of partially or completely rolling over. Non-high-speed passenger trains tend to jackknife or flip over, causing a significantly high number of injuries and fatalities. Track designs have incorporated enhancements to guide and guard rails which keep a derailed train moving upright, along the right of way, keeping it from going off bridges, down hills, and away from trains on other tracks or bridge abutments and walls. Brackets have been added to high-speed train wheel sets in Japan to keep a derailed train on the track, reducing the probability significant casualties in an accidental or intentional derailment.

Causing a derailment and/or collision by compromising the track structure or signal system might be an effective attack to execute. This could be done through mechanical sabotage or cyber attacks on the controlling computer systems.

The most catastrophic accident outcomes have been due to higher speed (80 to 100 mph+) collisions with other trains or fixed objects. While it hasn't been used as an attack method to date, moving a locomotive or a string of cars into the path of an

oncoming high-speed train is a tactic that should be considered and prevented. In the 2010 derailment of the Bengal Express, which killed 148 people, moments after the passenger train derailed, a freight train going in the opposite direction plowed into the derailed passenger coaches. It is not certain if the saboteurs intended this to happen.

A Realistic Approach

With federal assistance, transportation security clearly has improved during the last 10 years. More can be done, of course, but security proposals must be realistic.

Security for surface transportation must comprise the entire spectrum of measures from deterrence and detection to mitigation and emergency response. Aviation security is "front-loaded," that is, it aims at prevention. There are few opportunities to save lives after a plane crashes. Surface transportation security cannot be front-loaded, but there is much that can be done to mitigate casualties and to save lives after an attack, as well as minimizing damage and expediting recovery process.

Protecting public places that, by their very nature, require easy access is difficult and costly. To be worthwhile, security must provide a net security benefit. The result cannot be a mere diversion of the attack to another accessible public place where the attacker can achieve the same results in casualties.

Security must take into account economic realities. Federal resources will be limited. Many local governments are broke. Transportation systems' operators are hard pressed to keep costs down. We need not just more, but smarter security. We need low-cost solutions.

Security must be sustainable. We cannot look forward to the end of terrorism when the security structures erected over the past several decades can be dismantled. Security measures put into place today are likely to become a permanent feature of the landscape. Therefore, they must be sustainable in terms of public acceptance, disruption, and costs for operation, maintenance, upgrades, evaluation, and replacement.

The aviation security model will not work for surface transportation. Surface transportation systems are too diverse. Screening of all passengers would be nearly impossible. Train stations have too many access points. The volumes of passengers are too great. The number of screeners required would run to the hundreds of thousands. The costs would be prohibitive, the delays intolerable.

There is no near-term technological solution. New explosives detection technologies are being developed, but their probability of detection with acceptable false alarm and throughput rates in a real operating environment are not clear. In addition, their deployment will require thorough application evaluation, new policies, and training. What do we do when "Stand-off" detection identifies a possible suicide bomber in a corridor packed with passengers?

Americans must be realistic about security. One hundred percent security in surface transportation is not possible. Some risk is unavoidable, just as when we drive our automobiles, but the risk to individual citizens from terrorism is minuscule.

Some Easy Gains

The role of the federal government will be to lead in research, develop and test new security technology, evaluate security policies and practices, disseminate information pertaining to the threat and best security practices, and assist local governments in acquisition and training. Canines specifically trained in explosive vapor wake detection are a new and important development.

More resources are required at the local level for security enhancements and training. In today's environment, these will necessarily be limited.

Initial and ongoing security training is required for frontline transportation employees—train drivers, conductors, station personnel, not just managers, as well as emergency responders. But providing it raises cost and logistical issues.

Passengers can be enlisted as partners in their own security. Current "see something, say something" campaigns are a first step. They need to be evaluated to see if the message is getting through and how better to engage the public. Communications have to be facilitated. Procedures have to be established to ensure rapid diagnosis and response. Callers need to be acknowledged, for their efforts, even when it turns out to be a false alarm. Disruptions must be minimized.

Synergies between safety and security measures as well as between crime prevention and counter-terrorism efforts need to be identified and exploited to increase efficiencies in resource deployment and allocation.

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