

# Center for American Progress



## **CRITICAL INFRASTRUCTURE PROTECTION SERIES:**

### **“NEW STRATEGIES TO PROTECT AMERICA: TERRORISM AND MASS TRANSIT AFTER LONDON AND MADRID”**

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P.J. CROWLEY: – to the Center for American Progress in Washington DC, and a special greeting to our viewers and listeners on C-SPAN who are watching from around the country. I'm P.J. Crowley. I'm a senior fellow and director of the Homeland Security Program here at the Center for American Progress and today this is the fourth in a series of programs on Critical Infrastructure Security and how we protect key resources that are vital to our economy, our society and way of life – protect them from the risk of terrorism.

Today we get two sneak previews of fresh research and analysis on transit security, so let me introduce my fellow panelists. Immediately to my left, Bill Johnstone, who most recently served on the staff of the 9/11 Commission, is writing a book on transportation security and we are pleased that he agreed to provide a chapter on transit security for us. And then to my far left, Dr. Brian Taylor is associate professor and vice-chair of urban planning and director of the Institute for Transportation Studies at UCLA. He recently collaborated with a distinguished group of experts on a research report that will be released by the Mineta Transportation Institute and UCLA later this month. And Brian will provide 12 observations from that research that can help guide future progress in making our transit systems as safe as they can be.

We have previously got reports here at the Center for American Progress on chemical facilities, our freight rail system, and ports. These reports, what we call “New Strategies to Protect America,” are available on our website [www.americanprogress.org](http://www.americanprogress.org). In our research thus far, there are three broad trends that are clear when evaluating the security of our critical infrastructure, most of which is owned and operated by the private sector, cities, and states.

First, the Bush administration and its Department of Homeland Security are not pushing the private sector to enact fundamental change and conduct business in ways that are inherently safer. For example, its decision to go to court earlier this year to enable the rail corporation CSXT to continue to transport chlorine gas and other hazardous materials by rail right through the heart of the District of Columbia, rather than supporting the District's efforts to re-route those materials to other locations, is a primary case in point.

Second, with respect to city and state partners, homeland security is an unfunded mandate where new security requirements have not been accompanied by federal funding that can serve as a catalyst for better security to evolve. For example, better security at 361 ports around the country will require, according to the Coast Guard, between \$5 and

\$7 billion over 10 years, yet the federal government this year will only contribute \$150 million in port security grants.

And third, despite using the rhetoric of war abroad, we're not acting with a sense of urgency here in the United States. The president is fond of saying that the only way to confront terrorism is to stay on the offensive. What he does not say is that perpetual war is not possible. At some point, whether in months or years, we will disengage from Iraq; bring our troops home before we inflict generational damage on our military capability. At that point, we will be required to rely on defense, not just offense. The question is whether we are using this time effectively.

If there are lessons from the recent London bombings, one is that this struggle against violent extremism or whatever we are calling the war on terrorism now – it will not be contained to one country or one theater. And we can't depend on any advanced warning: despite heightened security, the British did not detect the plots of July 7 and July 21 before they occurred. This, then, is a war of preparedness and we are not where we should be 4 years after 9/11 and 17 months after Madrid. While it is clear that transit systems have become a terrorist target of choice, there is no consensus on what to do, who is responsible, and particularly who should pay for better security.

Secretary of Homeland Security Michael Chertoff does not believe that an attack on a transit system necessarily constitutes a major catastrophe, nor does he believe that the federal government has a significant responsibility to help defend transit systems around the country. Unlike the international civil aviation architecture, mass transit systems with the exception of Amtrak are locally operated, for the most part locally subsidized, and through local and transit police locally defended; however, there are many areas where cities and states have primary responsibility: highways, healthcare, education, and law enforcement, yet receive significant support from the federal government.

Here in Washington, an administration official and elected leader will say that just about everything is a priority. However, in the context of transit security two sets of numbers stand out. The Transportation Security Administration has 45,000 airport screeners. You and I have met probably most of them. They get a lot of bad press, but there is also little doubt that they have helped make air travel more secure. At the same time, we have fewer than 100 rail and transit inspectors, currently less than two per state on average.

Secondly, this year we will devote roughly \$4.5 billion on aviation security, and \$150 million on mass transit security at the federal level. In budgetary terms, one is a priority and the other is an asterisk, yet on a daily basis far more Americans travel on trains, street cars, buses than on airplanes. They should be protected, not used or not treated as collateral damage.

Unfortunately, right now we are moving not forward but actually backwards. Before it adjourned for its August recess, the Senate did three things, all of them bad. On

the one hand it cut the formula for security spending where funds are allocated for urban-area security needs – cut that from 70 percent as proposed by the administration to 60 percent – part of a tension between big states and small states that has handicapped homeland security strategy from the beginning.

Secondly, it failed to enact a \$1.1 billion increase in transit security spending as proposed by the senator from Alabama. And then third, 96 Senators actually passed a Homeland Security budget bill that includes a cut of transit security spending by one third.

So what do we do? How can we make transit security better? What is actually possible? Who is responsible? How can the federal government best help local and transit operators in their efforts to make transit systems as secure as they can be? We'll begin with an overview by Dr. Brian Taylor and then we'll have Bill Johnstone provide more specific policy recommendations before opening things up for questions and discussion.

Dr. Taylor?

BRIAN TAYLOR: Thank you very much, P.J., and thanks for inviting me here today. What I want to do here is provide some background on this issue from the perspective of someone who does research on transportation policy issues. I'm not a security expert, but anyone who is involved in these sorts of issues now has to become to some degree a security expert because it's so intimately involved in the policy and the practice of transportation generally, and public transit in particular. And what I'll be doing today is talking about a report, as P.J. mentioned, that's going to be coming out shortly through the Mineta Transportation Institute.

Now, as some background, it's important to understand that public transit ridership has stabilized for about the last three decades at about 40 trips per person per year, but as I'm going to talk about that's highly asymmetric. What we see is the concentration of transit use in certain places and by certain segments of the population and that asymmetry can sometimes be at odds with public policy. But what we see there is a shift from travel around metropolitan areas primarily by public transit to that of automobiles and a fairly stable role since then. But as metropolitan travel has been growing generally, it means the market share of public transit has been declining. But that doesn't necessarily mean it's equal everywhere. We see significant concentrations in the centers of the oldest, largest cities.

Now, what we see is that most travel in metropolitan areas is by private vehicle; in fact, there's more by walking than public transit, but that can mask, again, the significant role in places like Washington, New York, San Francisco, Chicago, that public transit plays. And what we see is it remains very important in the centers of the oldest, largest, most politically significant cities in the country and it's small and relatively declining elsewhere. That again can be a problem for policy because it means

that it may not have the attention of the wide range of public officials who might be looking at this issue. It's seen as something of a parochial or an urban problem.

Now, in an industry that's been gradually losing customers in a decades-long battle with private vehicles, security programs that can seek to enhance the safety and attractiveness of public transit systems may be an important component of their viability. On the other hand, if programs are instituted which significantly increased the difficulty of moving onto transit systems and moving through them – the cost and time involved in using them – it could be a death knell for the industry. This is an industry that is vulnerable in many places in terms of its market share, so it's important to understand that in the context of a new security environment, the way that policies are promulgated is very important and can have significant effects on the viability of the industry.

Now, a second thing to understand is that outside of the centers of the oldest, largest cities – and central Washington, DC, would be one of those – most U.S. transit riders are low-income people. The public transit outside of places like New York is largely a social service, and as such it also layers on an interesting complex political issue in terms of being redistributive public policy and that a lot of partisan tension around supporting public transit has been over that issue of redistribution of public dollars.

Not only is transit use demographically asymmetric; it's geographically asymmetric. One third of all of the public transit trips in the entire country are in the New York Metropolitan area on a daily basis. Two thirds of all those riders are on the ten largest systems. Now if we count private systems, there's almost 6,000 systems in the entire country. So it means that a vast majority of riders are just on a few systems in the biggest cities. This would be Los Angeles, Washington, Boston, Chicago, New York.

Now, what we find, however, is that the politics of transit finance do not square with that asymmetry. What we see is there's a strong desire to try and spread funds equally, and we already P.J. make a reference to that. There's no reason to think it would be any different in terms of looking at security. There's a desire to make sure that jurisdictions are treated somewhat equally even if ridership is highly asymmetric. And that can create a problem for investing in public transit. It helps to explain why per-rider subsidies are so much higher in places like Chapel Hill, North Carolina, than they are in New York and it's a similar issue that arises when we look at expenditures on transit security.

Now, transit targets are likewise asymmetric. What we see is that the attacks around the world have typically been on the largest systems in the most politically significant centers and a disproportionate share of credible threats that we saw in our research were in fact on those largest systems. And again political realities of funding often do not square well with such asymmetries.

Now, the research – I'm just going to touch on a few things from our study – was funded both by the Mineta Transportation Institute and the UCLA International Institute. And, again, this was a multidisciplinary team but we were all from design, engineering,

and planning backgrounds in transportation, not necessarily security, although we had an advisor panel that guided us on those sorts of issues.

Now, what we've seen is that there has been increased concern over the last decade in the U.S. over transit security. A long history of bus attacks in Israel, the IRA campaign against the London underground – it really came into the sharpest focus, I think, with the Sarin gas attack in Tokyo, and since then we've seen attacks in Moscow, Madrid, and most recently in London, which has attracted most attention.

Since 1990, 40 percent of all terrorist attacks in the entire world had been on transportation systems and about a third of all attacks have been on public transit, which makes it the largest single venue for attacks. As we're going to hear later, air transport security has received most of the attention but urban transportation systems carry more people and differently from air security they are designed to be open and accessible systems. That's a fundamental part of their operation and an enormous challenge to the application of security policies.

Now, based on work by Brian Michael Jenkins and others at MTI, there's documented 900 instances on public transit of terrorist attacks since 1920. Two thirds of these were intended to kill people rather than just disrupt service, and what we've seen is a shift over time so that the increasingly attacks are intended to kill people and earlier attacks were more likely to disrupt service. More than one third of the attacks have actually produced fatalities, which is another way of saying that the success rate is thankfully low, but still quite significant. And of the fatal incidents, three quarters produced multiple deaths and just one quarter produced 10 or more deaths, but we see, again, a rise of these multiple death incidents in recent years.

Now, this raises the question about the focus on public transit which I think is the purpose of this panel and we can think about is this the right unit of policy analysis, and we can think about three aspects with which attacks on public transit might occur. One is where transportation is the means. This is cars, buses and trains could be used to convey explosives; where cars, buses and trains are actually used as weapons as in 9/11. And there, clearly, there's a logic to a modal focus on this issue.

A second is where transportation is the end of the attack; where disruption of infrastructure networks is the focus, where high cost and high visibility is also the intent. And again there is a logic to organizing things around transportation and modes in terms of security planning.

But there's also an aspect where crowds are the target. This is where trains, planes, and buses actually congregate large numbers of people in the same place at the same time as do airports, train stations, and bus terminals. But this is by no means exclusive to transportation: skyscrapers, malls, shows, sporting events also concentrate people as do celebrations, parades, and concerts. And this creates more complexity in terms of how to do this sort of security planning, especially when public transit shares much with the shopping mall in terms of free entry and exit of large numbers of people

where it's very difficult to engage in the sort of regulation you do in the air transport sector. And public assembly is a defining characteristic of civil society, so this poses daunting challenges for us in doing this sort of planning.

I can say in transit policy generally there has been a focus to try and reestablish major centers like Union Station here in Washington and in Los Angeles. The idea is to in fact bring large numbers of people in the same place at the same time for transportation policy purposes. This sort of a policy vector may be completely at odds with security planning, which seeks to disperse those populations to reduce vulnerability.

Now, putting transit terrorism in context is – we can look at safety. There have been 279 people killed on or by transit each year in the U.S. over the last decade. Now, crimes are extensively unrelated to transit use such as robbed on the system or killed while waiting at the bus stop, would push this figure far higher. In fact, it's fear of personal crime that is one of the most significant things that drives people away from using public transit. Eighteen thousand eight hundred a year are injured requiring immediate medical attention on transit. Put another way, since 9/11 more than 11,000 people have been killed on or by public transit and more than 75,000 have been injured on or by public transit.

Why do I offer these numbers is that if we are able to bring together some policy congruence between safety planning and security planning, the benefits in terms of not only preventing and mitigating attacks, but actually reducing the killed and injured on public transit might be quite significant, so there's a logic for thinking about those two policy realms simultaneously.

Now, what are some current policy issues in transit security? Assessment of vulnerabilities, mitigation of weaknesses in the systems, development of response and emergency plans. What we find and we'll hear later from Bill is that there's often ad hoc and ambiguous planning on these fronts. The focus has been on rapid response and restoration of service; in other words, emergency response as opposed to prevention, and less focus on deterrents and system design to discourage terrorism. So a conceptual model of thinking about this is that we have four stages and what we tried to do here is think about in our work, what about the planning, designing, and building of the systems and the long time adoption and recovery of new rules and procedures where we focused last on instant response.

Now, we looked at previous research. We surveyed a 130 transit agencies; we did detailed case studies of systems in New York and Washington as well as London, Madrid, Paris, and Tokyo; talked to a variety of experts in each of these agencies to find out what they were doing, what they saw with respect to the collaboration with outside agencies to try and draw some lessons here.

Some of the issues that we found with respect to design is that many systems we find incorporate facilities from different time periods so that now we're finding in the design of new subway stations consideration of getting rid of nooks and crannies in

places where bombs or the packages might be less, developing new glass resistant – glass-resistant materials are incorporated in new plans, but in a place like the New York subway system, those are being applied in new stations and it could take decades and enormous amounts of money to ultimately retrofit the entire system.

And sometimes we see that there's conflicting design objectives. In the case of personal crime, more light and more openness has often been seen to reduce the probability of being attacked, raped, or robbed, but more glass can also be seen as risky in an attack and trying to bring some congruence there has been a challenge.

Now, passenger amenities can attract riders but increase risks. What we find is passengers say "Well, I'd like a clean public restroom. I'd like plenty of trash receptacles." Well, security planners are saying, "Let's get rid of those restrooms and make glass resistant and get rid of receptacles," and so again there are these places where there's conflict between the policy objectives of the transit managers and the security folks.

Now, in our survey we asked people about type of incidents that have occurred in the last decade and what we found is that in good survey design the largest single category was "other" – (we?) didn't fit in – and it was a catch-all of categories, but most of them were use of arson or incendiary devices, a shooting incident with multiple victims, employee sabotage, a hostage barricade situation, or identification of a explosive device. And what we've broken down there you can see is that the maroon is rail systems and the blue is bus systems as well.

Now, when we asked people about vulnerability, what you can see is that most of the people responding, except for those who are operating paratransit or van service and ferries, saw other systems is very vulnerable, so there was a broad sort of concern and this is even among smaller agencies – that they felt very vulnerable; that they weren't in a position to be able to do the things they needed to do to secure their systems. Of the 113 agencies we surveyed, 85 percent of them have now conducted some sort of a threat or vulnerability assessment of key system infrastructure. This is much higher than the 54 percent reported by a GAO survey right after 9/11, so we see that there has been some movement on that front in terms of trying to engage in some comprehensive security planning. And almost half of the rail systems have now conducted comprehensive security systems versus 30 percent of agencies without rail.

Now, I should point out that in the Middle East and in India and other places, it's bus systems that have been the venue for many terrorist attacks, so by no means should we think that only rail systems are an attractive venue. The reasons given for not conducting assessments: "we just didn't have the resources to do it," "we're just providing services for another agency," or one agency rep said "we're just not a high value target. We just don't think it's worth doing."

Now, we also asked people about what they saw as the importance of various strategies in security planning before and after 9/11 and what we can see is the blue bar

shows before 9/11 and the maroon after 9/11 that essentially things that were central to security planning all increased in four categories: policing; public education outreach; security hardware and technology, that'd be surveillance for example; and environmental design strategies, which is designing facilities to be less vulnerable to attack. And the biggest increase was in trying to design facilities that are less vulnerable to attack – that many of the people at least in the transit systems see long term benefits from that, but that that's going to be a long time in coming.

Now, when then asked how effective do you think these will be in preventing attacks and we analyzed both – we surveyed the security folks at these agencies as well as the CEOs and others. In this case we've combined them. And something that I want to point out from all of these numbers up here is that most people thought that all of these strategies were somewhat effective, but all admitted a sense of vulnerability in terms of even a combined program is likely to still leave the systems with vulnerabilities that they just could not see at this point how they could close.

One other issue we looked at was this question of are you combining your security and safety planning, and we're finding that that is increasing over time so that there is an effort to try and link security and safety planning to deal with these issues simultaneously. In only a few systems were they treated completely separately from one another.

Now, more than two thirds of the respondents were familiar with the concept called Crime Prevention through Environmental Design which seeks to design facilities to decrease the probability of personal property crime, but is also being increasingly adapted to trying to decrease both the likelihood of a terrorist attack and the significance of the attack should it occur. And what we find is now over half the systems are attempting to incorporate this into their planning. Many have said that they prefer more guidance and more support financially from the federal government in implementing these right now. Much of it is very ad hoc in the way that it's being applied.

Where are these being applied? Mostly to entrances and exits to try and deal with this issue. Typically we try to have lots of entrances and exits in a station. For personal crime the effort is to try and close some of those so that you can control ways in and out, but for evacuation you actually want them again, so designers are saying, "First we had all these exits. They said close them. Now they're saying put them back in." But you can see in many realms – in parking lots, gates, pathways, platforms, trash cans as well – there are applications. The trash cans can be moving them or creating glass resistance designs for example.

Now, significant attacks on transit systems are indeed rare and the threats, again, are asymmetric. Only 16 of 68 respondents with rail or enclosed bus or ferry terminal reported credible threats, but I should point out that 31 credible threats were reported by one system, so again enormous asymmetry. And what we found is that attention to transit security had increased significantly after 9/11 among the transit operators, and that this has only been heightened. While we were conducting this research, the Madrid

bombings occurred and we incorporated that into our analysis. So each of these new attacks is raising levels of awareness and concern on the issue.

So let me close with some observations here. First, that public transit systems are inherently vulnerable to terrorist attacks. They simply cannot be closed and secured like other parts of the transportation system, or put another way, if they are closed and secured like other parts of transportation system it will fundamentally change the nature of public transit within cities. And likewise the transit industry is vulnerable to security policies or programs that reduce the speed, comfort, or convenience of transit and that losing battle with the automobile could be accelerated. On the other hand, efforts that increase the perceived safety of using transit could bring significant collateral benefits and actually increase transit ridership. So the issues here are quite significant in terms of whether this will have a positive or negative effect on the use of transit.

The threat of transit terrorism is probably not universal. This is based on the patterns we've seen in attacks around the world. Most attacks have been on the largest systems in the largest cities. Again, this asymmetry is at odds with the political system of public finance that doesn't like to send money only to the largest systems in the largest cities, but to spread them around to systems all around the 50 states and congressional districts.

Transit managers are struggling mildly to balance the costs and benefits of increased security against the costs and benefits of attracting passengers and I can tell you there are many systems there's a lot of conflict between general managers' views on security and those of their security officers in terms of making the priority, but with each attack the general managers are coming around to see that this is going to be an ongoing fundamental part of their operations from now on.

Now, close coordination among government, security, and transit sectors is clearly critical to effective planning. We see far less of a history of intergovernmental security planning in transit than, for example, in aviation. The transit industry is more atomized and more independent, more locally controlled, and we have seen significant increases in collaboration with police and intelligence agencies and one another. But this is relatively new to the industry. This is an industry that is not structured in the way that aviation has and probably requires more guidance from the federal government in terms of bringing them together and doing this kind of planning. Most of the people we spoke agreed that standardization of emergency training, security audits and guidelines, disaster preparedness is important, but again this is an industry noted for its lack of standardization in routing, fares, passenger information, and that this goes against the culture of the industry. And I just want to say as a transportation person, this is something that's going to be a very tough road to hoe. So despite significant progress in increasing this coordination, much work remains and leadership is needed, particularly here in the U.S. We're seeing more of it in terms of collaboration in Europe than we've seeing here in the U.S.

Passenger education is an issue on which many people have a great deal of ambivalence. Informed passengers can increase safety and fearful passengers may stop using transit. In Madrid, for example, a passenger outreach program created a huge number of sort of false calls and significantly increased the peoples' anxiety about using transit and many of the security folks were unsure whether that was being helpful or hurting in times of occupying resources, so there's a lot of concern about do we want to fully inform passengers or are we unnecessarily frightening them, and dealing with that is a significant issue.

Antiterrorism efforts appear to have had a possible side effect of reducing personal property crime in transit systems, and since (unintelligible) crime is one of the most significant reasons that people cite for not using transit, it's likely that the reduction of their increases in safety may far outweigh benefits in security planning, although, again, because we're talking about rare events it's hard to know what attacks may have been prevented. But we can see in personal crime of property numbers real benefits that occur.

The role of Crime Prevention through Environmental Design is waxing, though it's a general strategy with long lead time and there's a lack of standardization and support from higher levels of government. And finally, transit agencies have been more likely to adopt comprehensive and multi-pronged approaches to safety and security after 9/11. That really shook things up here in the U.S. and that there is much more focus on this. I think the best way of putting it is that we've come a long way and we still have long way to go.

Finally, the director of security and civil protection at Renfe in Madrid, which was one of the systems attacked there, he said, "You can have the cleanest trains in the world, you can have the most luminous trains in the world, you can have the most comfortable trains in the world, and you can have the most punctual trains in the world, but when you go in a train and do not feel safe, you're not going to use that train." Security planning and transit planning must be done in collaboration.

Thank you.

P.J. CROWLEY: Brian, thank you very much. That is an extraordinarily valuable scene-setter in terms of the state of the industry and the state of thinking. I think it is encouraging to suggest that there is obviously greater awareness and attention and we'll get into this during the question session. So from that context, now the question is, okay, what do we do? What has been done? What do we do now? And for that we turn to Bill Johnstone.

BILL JOHNSTONE: Thank you, P.J. Thanks very much for that presentation, Brian. I want to start very quickly by observing that this kind of look at system design is all too rare in other transportation modes. I've been spending the last two and a half to three years looking across the modes in terms of security and this is one area where Brian and others – one area where transit systems have a lead. There's unfortunately a dearth

of data on security performance within transit. That's why you won't hear me talking about failure rates in transit systems, security measures, and so on as would be the case of we were here talking about, for example, airport checkpoints or cargo screening at out ports. But this kind of attempt to look at ways to build in – to engineer into systems, into their basic operations and into their design security features are consistent with their essential operating needs is something that's got to take place in all of our transportation modes and I commend the work that Brian and his colleagues have been doing in that regard.

Last month, Secretary Chertoff outlined his plans for the Department of Homeland Security after completion of what he had ordered – the second-stage review of DHS operations. Among the key principles that the secretary enunciated was the need to focus on risk management approach to allocating resources and to making policy decisions. If – and anyone who knows the history of the Department of Homeland Security, or indeed of all federal homeland security efforts post 9/11 – it's a very big if. If those sentiments about truly adopting this approach are applied to American homeland security efforts, then it will be a benefit not only to the American people, but particularly our subject matter today – to transit security, because as P.J. has observed, transit security has been an asterisk; definitely not a priority in terms of money or resources or policy attention.

But when the secretary was explaining his new approach at the department, as P.J. has also mentioned, he alluded to a belief that even successful attacks on mass transit would not likely rise to the level of catastrophic, and that perhaps gives us insight into the fact that this DHS review may or not lead to a significant increase in the priority afforded to transit security, so that's one caveat.

Another caveat is a reminder that the Department of Homeland Security has supposedly been governed by risk management principles from its very beginning, has had a number of deadlines to produce risk management plans, the latest of which was inspired by a 9/11 Commission recommendation that was translated into a legislative mandate in the 2004 implementing legislation for the 9/11 Commission recommendations, which in there it's called a National Transportation Security Strategy, clearly premised on risk management. That report was due in April of this year and, as was the case with all its predecessors, we're still waiting for it, so that's something to bear in mind.

And the Congress, too – perhaps there's a tendency to focus on the executive branch in these matters, but the Congress, too, has a full share of responsibility for problems in transit security as indeed is the case in other transportation modes. P.J. mentioned some of the actions that took place just last month in the Senate and so I will pass over those in the interests of time.

The failure to act based upon risk management principles, the continued balkanization of homeland security responsibility in both executive and the legislative branches, and the historical tendency for security to respond to the last war and the last

attack are all evident today in the lopsided allocation of resources, personnel, and policy attention devoted to passenger aviation security at the expense of all other transportation modes.

And the figures, again, I think have already been given, but I'll restate them for emphasis; that in the FY 2006 administration budget proposal, 90 percent of the dollars and 97 percent of the personnel for what is named the, quote, "Transportation Security," unquote, Administration was to be devoted to one mode: aviation security. And actually a large of that resource devoted to one security level: the checkpoint security screening of that one mode. If you count all homeland security spending by the federal government, including the Coast Guard and various parts of DOT, the aviation share still is some 65 percent of the total. The entire realm of land transportation, including transit, was 1.4 percent of the total in the 2006 budget proposal.

And perhaps as important, and beyond the funding issue, nearly 4 years after 9/11, over two years after DHS opened its doors, the federal government has yet to get its act together in terms of organizing for homeland security in the transportation realm. In the case of transit, today there is no clear federal lead: sometimes TSA; sometimes it's parent, the Department of Homeland Security; and very often from the transit agencies' standpoints it's the Federal Transit Administration under the Department of Transportation that is looked to as the federal lead.

Above all on this organizational question, the fate of TSA, which was created by the Aviation and Transportation Security Act in the immediate aftermath of 9/11 with responsibility for securing all transportation modes is crucial to resolving this problem. Over the course of my working on the 9/11 Commission and since, many, many people that I generally talk to in this field have expressed the belief that TSA is on the road to dissolution or at most being reduced to the manager of airport checkpoint screening with little more, and certain actions and proposals of the last few years have tended to reinforce that notion.

Secretary Chertoff in his recent policy initiative did indeed return the federal air marshal program back to TSA, but was otherwise silent in a document – in a presentation that focused a lot on some other organizational and managerial changes at the department – this, to me, fundamental issue of whether TSA was largely ignored. And thus it is against this backdrop with the potential features ably portrayed by Mr. Taylor, with the demonstrated continuing terrorist interest in mass transit – you know, we have a historic record. There also is the recent record that we've all been viewing on TV over the last month or so. And with a muddled and inadequately funded federal role of transit security, lo these many years after 9/11, today the Center for American Progress is presenting a five-point program to enhance and sustain the security of America's public transportation systems and passengers.

First, we should treat the homeland as a central front in the war on terror and view homeland security as a vital dimension of national security, with commensurate resources and policy attention. This was presumably set for the aviation by the 1996-'97 Gore

Commission. It was found that because of the consequences of terrorist attacks on civil aviation this was indeed a matter of the national security. Well, if you account the impact of the Madrid and London attacks on those two nations, and indeed there's been repercussions here as well, it would seem clear that land modes – and we're talking today particularly about transit security – would merit the same kind of attention, but today that – it is clear from the policy and resource decisions that have earlier been mentioned that this is not being treated as a matter of true national security. To do so would mean transcending the artificial divisions currently in place that segregate national defense, as one category of defending the American people, completely from homeland security as another separate and only tangentially related activity. In my view the two are part and parcel of the same effort to secure the American people. That needs to be translated into action by the federal government.

A second essential step – I can't stress this one enough because the 9/11 Commission certainly felt this was the single most important recommendation it made with respect to transportation and infrastructure protection, and that is the need to have this national transportation security strategy produced; not talked about, not planned for, but actually produced. It incorporates risk-based principals that assigns – doesn't sit back in say it would be nice if we could agree on roles and responsibilities, but assigns federal and nonfederal roles and that identifies the resources that will be necessary to make it all happen. That was what the 9/11 Commission called for. The Congress endorsed that with the exception of leaving out the funding part in the implementing legislation; set an April 2005 deadline, which was missed, and we are all anxiously waiting the delivery of that document.

But, see, these principles precede all of the remaining more transit specific ones, as they should. If you face the issue of is transit security a matter of national security, have you done the proper planning for it, then these other more discrete and specific possible recommendations follow. And depending on how you answer those questions, some of these things cannot be done responsibly unless you have made those determinations.

Third, redress the current resource imbalance in transportation infrastructure security and based on risk assessment devote more resources to mass transit security through both dedicated transit security grants and a higher percentage of homeland security funding.

Now, I've just said that it's very important that we get a comprehensive multimodal risk management plan in place. We don't have it today. Who knows when we'll have it? But in endorsing the Shelby amendment, which was the recent action that failed on a procedural measure in the Senate, that would have provided \$1.16 billion in additional transit security grant monies for operations and facility security as well as for research and development. It seems to me that it's hard to argue against that kind of augmentation of the current budget for this mode. It would still leave it as a very distant tertiary priority after aviation, after port security, and so we set this forth as a good place

to start and in the absence of having more detailed risk assessment that could lead to a finer grained decision on how many resources should indeed demand well in the security.

Fourth, another key point, clarify the roles and responsibilities of the Transportation Security Administration, the Federal Transit Administration, and other federal entities involved in transit security. More specifically, after looking at this problem closely is that it is the belief here that TSA, which is supposed – which was given the position to be responsible for security of all transportation modes and is in the one place where considerations of intermodal priorities and connections can be thus made, but it needs to be given the necessary authorities and budget to fulfill this role as the lead federal agency for intermodal security.

Another side benefit from establishing that kind of responsibility would be to afford a much greater sense of accountability than we currently find in the field of transit security and, indeed, in other transportation security areas, and I can elaborate that in the questions if you wish.

Fifth, do what can be done to make transit systems more secure now; accelerate the development of more arrival explosive detections capabilities, and this was largely – or a good part of Brian's presentation, integrate improved security features into the design of future mass transportation systems.

We already have years of data from London and other systems that have faced security problems over a long time, and indeed from New York and Boston and Washington. We have in the case of the rail security directives the TSA issued, but then didn't provide any resources to actually carry out, there are a number of very specific steps that have already been identified that with appropriate federal leadership and resources could relatively quickly and significantly raise security of the transit systems and their passengers, and these center on increased law enforcement presence, increased deployment of canine explosive detection teams, more extensive surveillance cameras consistent with proper respect for civil liberties, and a focused research on weapons detection technology that is specifically designed to operate in the unique environment that transit operates in and that Brian described.

In conclusion, the bottom line is that the federal government must shoulder its constitutional duty to provide for the common defense throughout the homeland security arena, including transit security. States, cities, and the private sector do indeed have important and in some cases crucial roles to play in homeland security. Federal leadership is manifestly required if we are to marshal the necessary resources to expeditiously, effectively, and efficiently protect the American people and our way of life.

Thank you.

MR. CROWLEY: Bill, thank you very much. We have put a lot on the table here over the past half hour or so, but before we get to your questions I want to ask a couple of

points. For both of you, talk a little bit about that sense of priority. You know, clearly after 9/11 there was no doubt that there were things that had to be updated with regard to aviation security, for example. It was a system that was geared towards different threat: preventing bombs from being smuggled onto airplanes, not necessarily suicide hijackings, so that emphasis at that time made perfect sense, but it in his comments to the Associated Press one of the categories or one of the criteria that the secretary put forward in terms of saying what is catastrophe and what is not was the potential for lives lost; that on September 11<sup>th</sup> we saw 3,000 lives lost under a – you know, perhaps a transit attack might, in his words, cause 30 deaths.

Brian first and then Bill, talk a little bit about how important transit systems are to that sense of community and that vibrancy of an urban center – an economic center. Is that sense of priority – does it go beyond just the potential for lives lost?

MR. TAYLOR: Well, first with respect to the issue of priorities I think it is fair to say from the interviews we conducted is that prior to 9/11 there was a great deal of alarm among folks working in transit policing, intelligence, and security about the vulnerability of the systems and that they got nothing from elected officials, transit managers, anyone. It was just (there are?) things about sort of mocking people as the sky is falling, and then that's when we saw a significant change with respect to 9/11, so that now that the issue in terms of threat has been seen as quite significant.

Now, you were talking about the vulnerability. The point I was making before about whether transportation is the means to the end or whether it's the fact that transportation systems congregate large numbers of people, the potential for a catastrophe is quite evident in the fact that many of the major transportation terminals in the country congregate very, very large numbers of people in very, very small spaces at the same time on a daily basis, and that those places, like Penn Station in New York, Union Station in Los Angeles, Union station here in San Francisco – I mean here in Washington, the Transbay Terminal in San Francisco, even Metro Center, these were all designed specifically with the idea of bringing people together, bringing modes together so that there could be not only a transfer point but also a center for economic activity, shopping, those of the things.

So the specific effort to bring these transportation facilities to concentrate very large numbers of people, which is very different than a bus attack or a particular station, so those are – Union Station here in Washington is an important part of civic and cultural life and it is also a place where you have vehicles coming in on a variety of modes that create enormous vulnerability adjacent to very large numbers of people, so the issue of potential catastrophe I think is a very open question and I would take issue with the issue of 30 deaths, for example. The potential is enormous in these sources of facilities.

MR. JOHNSTONE: Indeed. Just to look at a little history, we turned – again, security measures tend to – as Brian Jenkins has observed, they tend to be reactive and the transit system certainly gave a lot of attention to their security in the wake of the

Tokyo attack at that time when there was very little support generated to build on that attention.

We focus today on transit security not because we want to fight the last war of Madrid or London, but because these for the moment are raising the profile of these areas and given opportunity to do this – to get the sort of attention that should be there on an ongoing basis.

But more specifically on your question, P.J., that the notion of consequence assessment – it certainly needs to be broader than just calculation of causalities. Even in the case of civil aviation, the FAA, when they did their pre-9/11 assessment they came up with the most likely suicide terrorist threat being one that would seize the plane and blow it up over an American city killing all on board, and they tried to put some numbers to that – the economic sequences, the spill-over effect that would having in the industry – and they really did not deal with the psychological consequences that would obtain in the country.

I would just say that – look at London. If you see which of the two sets of attacks had the greater consequence, it is not real – I mean, you ask the London security people: it's not the first ones that killed the most people and did the most damage by far; it was the bungled second ones that injured one person, did much less damage, but psychologically, since the targets of terrorism are human – the survivors basically, the consequence of that second failed attempt was in many ways – because it gave the message that this isn't a one-time event, folks, and we are living with it. So I think that the immediate history before us belies the notion that causalities are the sole or even the best measure of a consequence.

MR. CROWLEY: Brain, you said that after 9/11 there is now is greater attention, greater awareness, but to what extent has that translated into concrete or permanent change on the ground? Are we still in the assessment stage or are tangible things being done at the local level to actually make systems more secure?

MR. TAYLOR: I think the answer is that – like a good academic – it depends. More of the progress has been in the area of assessments and planning and coordination, better linkages with intelligence agencies, things along those lines. There has been – there is the beginnings of incorporating new design strategies, for example, and evacuation, emergency preparedness, but it is very uneven and that – again, the transit managers we interviewed often talked about having to make choices between their limited resources being invested in security efforts versus other aspects that they have in running their railroad, as it were, and that they are often having to make these tradeoffs about uncertain and potentially catastrophic effects and certain issues with respect to new vehicles and reliability and bringing their systems online. So the struggle has been trying to fundamentally incorporate these things. It's often – they report limited resources to move beyond planning.

MR. JOHNSTONE: I would just want to say that one of the problems here is that unlike certainly in the case of aviation and to a somewhat lesser extent in maritime that there is almost no performance data available here that we can evaluate to let us know – I mean, yes, we can know that certain transit systems have deployed X number of canine teams under the following circumstances and emplaced this number of new security cameras, but what is lacking right now is an impact analysis of how are these things working. You have to infer their effectiveness.

It is a major need, which I point to is the lack of accountability in the system because of the muddle in federal responsibilities. The Department of Transportation inspector general has had underway since last summer an audit of at least the FTA part of transit security. I am not aware of those results being made public yet or the audit even having completed, but we cannot really say whether – with the limited amount that's being spent, we can't really even guesstimate how much more secure it has made our transit systems.

MR. CROWLEY: Bill, first to you and then back. One of the attempts in the establishment of the TSA and the ATSA bill that established it and also redirected the aviation security effort was the idea that you would add this transportation security fee to the cost of an airline ticket as a means of – I mean, initially it was thought that it might defray the entire expense of aviation security. That's proven not to be the case. There is a controversy right now on the Hill because they want to increase the level and there is some concern about what that will do to aviation travel.

Is there a lesson here in terms of can the – has the aviation security fee worked and is there something where this could perhaps have (the ability?) to have a transit security fee as a way of sustaining better security beyond just an annual appropriations process whether it's at the federal level or at the local level?

MR. JOHNSTONE: Well, the user-pays-for-security approach was certainly a hallmark of the pre-9/11 system and was endorsed, as you correctly said, in ATSA after 9/11. The administration, trying to fulfill or to update that promise, proposed a significant increase in aviation fees in this year's budget. Both houses of Congress have rejected it, so you still have on the books in aviation this commitment that, yeah, the users should still pay most of the cost, but the political will has not been there to sustain that premise.

It certainly is applicable in other transportation modes. Stephen Flynn, who is a real authority on maritime security, for example, he's done talks with shippers – container shippers in the maritime arena who have come to him and said they would gladly pay a tonnage fee to better secure their cargo because it would help them with insurance costs too. But the bigger point that we make in the paper and that I would like to make here is that this question of how are you going to pay for security is fundamental. You can't really let it slide, and yet that is exactly what federal decision-makers have done in every area. So, indeed, we are kind of at the mercy of the appropriations process each year.

MR. TAYLOR: Yeah. I think that that's an excellent question and this is something that sets mass transit distinctly apart from these other modes. When we talk about the air travel sector or even private motor vehicles, all of the direct costs, by and large, are paid by users so that we have airport and ticket fees that are all paid for this whole network and that what the debate is in a policy realm is usually about internalizing environmental externalities, for example, so that the automobile system pays for the roads and highways, streets. But the issue is, are environmental costs, for example, incorporated into the fees the users pay?

Mass transit is very different. It was a private, for-profit industry up through the Second World War, and after the Second World War a series of major bankruptcies led to a shift of the entire industry into largely public ownership and operation. As such, only less than half of the operating costs of public transit come out of the fare box. Almost all of the capital costs come from state and federal governments and well over half of the operating costs come from local, state, and small amount from the federal government.

So this is essentially a public service that is being subsidized directly. We are not talking about the externalities. We're talking about direct funding of their operations. So what we have is a situation where transit fees and tickets are covering only a relatively small share of the cost of providing that service. The idea of adding a fee onto that ticket is one that already being discounted and funded publicly for other reasons, so the logic of being able to internalize those costs is more problematic and it goes to – again, to some of the more social service aspects of public transportation. In the sense, transportation is like aviation, but is also like public schools and as such it sits in a very unique position where it is already heavily subsidized by state, local, and federal governments and that there isn't the ability to simply adjust fares to internalize these costs because there are so many other cause that are not accounted for within the fares.

MR. CROWLEY: And you being a tax payer of Los Angeles, for example, you are obviously already being asked to basically subsidize the security of the port of Long Beach in Los Angeles, for example, which has at least significant regional if not national impact, and now you are being asked to subsidize the cost of securing that other part of the transportation infrastructure, so I think what you are saying is there is a limit.

MR. TAYLOR: Yeah. In Los Angeles, the residents are paying 1-cent sales tax to help support public transportation. They are also paying a quarter-cent state sales tax to help support public transportation, in addition to other federal and state taxes that are used, so there is already heavy taxation to pay for those local operations. So this idea of incorporating fees is somewhat more problematic in this sector than in other sectors of the economy.

MR. JOHNSTONE: And it goes to prove that it's not – it can't be of one-size-fits-all kind of debate, but there needs to be – the feds need to face up to trying to identify and help identify where the resources are going to come from, (because it will differ?).

MR. CROWLEY: One last question before – and we'll open it up. If there has been a star of the show from what we've seen in London, for example, it's CCTV. To what extent is that already prevalent in major mass transit systems in United States? Is that a capability whose time has come here in the States? Are transit systems looking at that and do we need to think along those lines in light of London?

MR. TAYLOR: Public transit systems have been incorporating cameras into vehicles and stations for quite some time, but in sometime a creative way where as long as some of the cameras are operating they found that by putting cameras – even if they are not operating – on buses, it can have a significant effect at getting passengers to behave more and there is less crime on vehicles, so that we have a system of cameras that's quite extensive, although it is not a fully functioning system as we see in the UK, so there has been a movement on that front.

And we are also talking about one that is far more bus-based in the U.S. than in the UK, which while there is a significant bus system there is a much more extensive rail and station system, so that essentially being able to capture that all on camera is – as well, many systems in U.S. have major transfer centers that are outdoors. Large numbers of people come together where bus systems will come in and bring many at the same time – congregate large numbers of people, but not set up for the same sort of surveillances as other systems, so that is being incorporated gradually. It's been mostly on safety grounds and not security up to this point and it's been done in a far more sort of ad hoc and incomplete way than we've seen in the UK.

MR. JOHNSTONE: I want to say, though, even in London they have much longer experience, that they are in the midst of significantly upgrading their CCTV capabilities in the aftermath of the attack, so almost certainly U.S. – there probably – there would not be a single U.S. system that would feel it was completely covered by CCTV.

MR. CROWLEY: Okay, at this point we will welcome questions from the audience and Patrick in the back of the room has the mike, so we will start with questions from journalists who are here, and please wait for the microphone and then identify yourselves and your organization.

Q: Hi. I am Steve Losey with the *Federal Times*. You say the roles and responsibilities of TSA should be – this is for Mr. Johnstone – the roles and responsibilities of TSA should be clarified, and that's largely for airport security screening. What role should TSA play – its workers play in transit security?

MR. JOHNSTONE: Well, I mean, a very good question and as it is currently structured and budgeted, it is unable to play a large role in the land modes. With fewer than 200 people and with a budget leaving the grants – well, TSA doesn't control the grants. The proposed budget was like \$32 million for all land modes. The way it describes its hoped-for mission in the nonaviation modes is to be a manager of security efforts and a regulator of security.

They, for example, issued a rail security directive covering rail, intercity rail, and transit systems a few months ago, but that was before – when they had a handful of inspectors to – who are the ones that are supposed to enforce it, and it was entirely an unfunded mandate and the things included in it were fairly general; you know, like secure your trashcans, either get rid of them or put bomb-resistant ones in. But the role that is envisioned here would require, in the first place, a completion of the strategy. Again, we're talking today – we're focusing on transit security, but this is – resolving TSA's proper role in that regard is contingent on getting this larger picture of the national transportation security strategy in place which will identify – is supposed to identify under the law roles and responsibilities for federal and nonfederal stakeholders in all the modes, including transit.

So what would be in anticipation of that document? What I would envision is to have TSA play a much more direct role in the grant-making process. It is not capable of doing it now; that's in the state and local division of DHS that disperses those grants, allegedly with input from TSA and FTA. But since the grants are main means that the feds have been assisting transit security, if you're managing that security it seems to me that you need to have a more integral role in managing the grant program, number one.

Number two, if you are going to be a regulator of security, then you need – your goal nationwide and for inner-city as well as mass transit – your goal, it doesn't seem to me would be 100 security inspectors. And indeed, those 100 security inspectors are officially designated for all land modes. It was indicated that they were to start off by covering rail and transit, so if that's how you're going to do it, through the issuance of regulations and through dissemination of best practices that you want to somehow monitor compliance with, then you are going to need to be beef up your enforcement staff.

And finally, you are going to need, though, to indicate how you are going to coordinate with other entities. If you had a representative from APTA – from the transit organization up here and you asked them, “Well, who do you think with the better job of assisting your member agencies in carrying out a security program?” almost to a one they would choose FTA. You look at their testimony that they've given to Congress. They're very critical of the whole process the TSA utilized in coming up with the rail security directives. They say they were brought in too late and insufficiently and then they were presented with an unfunded mandate. They much prefer working with FTA.

FTA has operational and another expertise in the operational end of this that TSA lacks, so something better than the memorandum of understanding that the two agencies finally initialed, or the two departments rather, late last year is clearly required to coordinate. It is not going to be TSA in the nonaviation modes. It is not going to be all their show, so you need to detail how they are going to share intelligence, for example, how they are going to coordinate research and development, how they are going to do the kind of performance testing that's lacking today.

MR. CROWLEY: I think there is a larger point here which is just what do we politically – and this is really a political question and largely for the administration and the Congress, which is what exactly do you want TSA to be when it grows up? I mean the problem is the legislation gives it a very broad mandate in terms of civil aviation, ports, transit, rail, surface transportation, and pipelines, but in fact it is an aviation security organization, so – and this is where the confusion between TSA and the FTA comes into play.

So TSA to some extent – you know, the decision to federalize the 45,000 screeners has pitted one camp that wants to see a stronger federal role and another camp that is concerned about big government and believes that over time the whole screening process should be devolved back into the private sector again. So if you envision and if the legislation details a strong federal role across all of the modes of transportation, then you have to staff the organization and give it the authority and the mandate and the resources to do that mission, otherwise, if you don't, you would better off defining TSA as simply an aviation security agency and then in turn, as Bill says in his paper, then give the overlapping responsibility that comes with it back to the FTA. But one way or the other you have to eliminate the current confusion and much of that confusion is based on the fact that there is a great mismatch between what the legislation says TSA is responsible for, what its current capacity exists to be able to accomplish anything remotely resembling that responsibility.

Right here.

Q: Irv Chapman. I work for Bloomberg radio. With regards to the design of new facilities, New York is putting in a new transit center with a world class designer/architect in Lower Manhattan. What is being put into that or any other new facility that you are familiar with that will enhance the security in ways that we might or might not notice?

And in terms of the \$1.16 billion, what in fact would you spend it on other than reimbursing our mayors for what they are already having to do?

MR. TAYLOR: Sounds like a question for each of us.

Q: Yeah.

MR. TAYLOR: With respect to design, there is the issue of new facilities and retrofit. The first transportation system in the country that fully realized the principles of Crime Prevention through Environmental Design was the Washington, DC, Metro and it was done in a way that tried to open up the system. If you're in Boston or New York, it's open. There are open sidelines. There are multiple ways that people can see one another and their activities. You'll notice there are fewer nooks and crannies in the system – places that you can – little openings for closets. There aren't vending machines that things can be put behind. The whole system was designed to try and – at the time, the focus was both on security as well as crime, and one of the tests is that in most transit

systems – most subways around the country, the rate of personal crime in the stations is very closely correlated with the rate of personal property crime around the station, and in the Washington, DC, Metro you saw that that sort of relationship was severed quite significantly so that in some places where there are high rates of personal and property crime adjacent to the station that is not reflected within the station.

So there are many, many aspects of it that I could describe, but in terms of your ability to be in different parts of the station, to see elsewhere and not feel like you are closed in, there aren't pillars where one can hide behind, leave things. It is a variety of techniques that have been developed over the years by designers that can have significant effects on the rates of crime.

And, again, the way that these can be tested is not so much – it is very difficult to know if you have prevented a rare and catastrophic event, but when you see significant declines in personal property crime and you know that the venues are congruent for the same types of behaviors you can infer that you are getting benefits from that as well.

Now, the bigger issue is often on retrofitting and probably the most significant and successful example of retrofitting in the country, if not the world, is the Port Authority Bus Terminal in New York. Many of you have probably been through that facility. It has a colorful history, to say the least, in terms of (a place for?) petty crime and there were significant efforts to change the design. It was a variety riot of cubbyholes and openings where all sorts of nefarious behavior could occur; lots of robberies and many rapes; many other kinds of crime going on there; places where someone could easily leave packages – very large – in fact, consolidate them and they would be out of view.

They went through and cleaned those site lines up, took things out, raised the ceiling up, opened things up, took out trashcans. Those that remain are bomb resistant. A variety of things – changed the lighting – all of which create a very different sort of environment and, in fact, while it's still not what one would describe as the safest place on earth, the rates of crime dropped precipitously as a result of that, so that we are able to test various design schemas and see how they have an effect on personal property crime and, again, because the environments that are supportive of that are supportive as well of people leaving explosive devices and things as well. Those two can work in a congruent way.

Q: (Off mike.)

MR. TAYLOR: In our state we didn't look at the specific designs other than to say that those principles are explicitly being designed into that facility. What – the particular suite of principles that they are applying I am not sure, but I know in our interviews with officials that CPTED strategies are an explicit part of that design.

MR. JOHNSTONE: Post-Madrid, FTA – I believe it was – developed kind of a model design plan that is nowhere near as detailed as what Brian and company worked

on. Again, that was post-Madrid and I think probably the design that you are talking about may have predated that.

Now, in terms of your second question – what you'd spend the money on for the – in the Shelby amendment, if you look on page 13 of the – okay, well it has – okay. It provides money for – \$790 million would go for capital improvements, \$333 million for operational improvements, and \$43 million per R&D, and within each of those categories there is a list of examples of what –

MR. CROWLEY: But I think that the point here is that if you – you know, one estimate that the Public Transportation Association has put forward is \$6 billion primarily for capital improvements to get to what Brian has mentioned. And it is simply a matter of if \$6 billion is the need, then how long it is going to take you with federal assistance given the stress and strain that we see on local budgets? You know, the mayor of Los Angeles has to have – has competing priorities in terms of medical care, education, security. Where does he put his next dollar? So if you were going to see rapid change at a time where the risk is clear and we are ostensibly at war, in my view the only alternative that you have is strong federal support to get you from where we have been, which is some attention security, to where we think we need to be.

Part of it is going to be in homeland security. You have a current robbing Peter to pay Paul. Every time there's an orange alert, and currently there's an orange alert, on transit systems you end up stealing money from training programs to pay for police overtime, so what is happening in New York in terms of a bag searches of every fifth person will not be sustainable over time without the ability of the federal government to help compensate state and local communities for these additional costs.

You know, part of it is – the coin of the realm here is detection equipment that is specifically geared towards the transit environment. You have puffer machines that have been deployed at various places that are fine if you are having one person go through a stall at one time. We all know how transit systems operate. They don't operate that way, so you've got to specifically design technology that accommodates a transit environment. You've got lots of people in one place at one time.

We do not have that and there is only a relatively small amount of money being devoted on a research and development level to get there. The question is, how quickly do you want to get from where we are, where nothing is deployed or relatively little is deployed, to where you want to go, where you can have effective explosive and other – the means of detecting a bomb in a backpack? If we are going to get where we need to go more rapidly, you have to marshal federal resources in order to do that.

MR. JOHNSTONE: Because some of it – I mean, you could look at this as partially funding the unfunded mandate implicit in the rail security directive already issued by the federal government covering many of these items.

MR. CROWLEY: We will open up for broader questions. I think we have got two or three here. I would ask you particularly for the C-SPAN audience, let's keep our questions crisp. We have an anti-filibuster rule here at the Center for American Progress. My father-in-law, who is probably watching from Boston, has a pretty fast trigger. He's going to go to Sports Center unless he knows there's a very good question coming here, so – go ahead.

Q: I am from the *New York Daily News*. On the subject of funding, President Bush is signing into law a large transportation bill today and I am just wondering for the three of you what your response is to the fact that this bill has almost nothing in it for mass transit security.

MR. JOHNSTONE: I think it is a glaring omission and if you are indeed committed to the principle of trying to build in security considerations into your basic design and operations of transportation systems, which is what you should be doing for the long run, the fact that the largest single federal investment in the infrastructure can pass with very little in it concerned with security – now, they did under – through the efforts of Senator Shelby and others there is a little more security content added to mass transit systems planning process this time, and there is continuation of the 1 percent urban formula grants that has to be set aside for security, which over the years has been the main source of security funding.

But you are absolutely right: it is another instance where an opportunity to address this funding issue has come and gone without being taken advantage of. I will say, from the congressional and administration viewpoint, the land transportation modes not only including transit, but transit – of course transit's the little tail on the massive highway dog in that case. The land systems themselves have made it very clear that they don't want to see their safety, their surface transportation monies provided through a gasoline tax and otherwise in any way encumbered into a security consideration, so this action was consistent with what the stakeholders were asking and they say "We need every penny that we're getting from these sources to take care of mobility and to take care of safety and all the other things that have been dictated in the past."

MR. CROWLEY: Go right next to him.

Q: Al Milliken, Washington Independent Writers. With the numbers using mass transit you have labeled poor or lower-income, do they have the means in the motivation to speak up for their own best interests when it comes –

MR. JOHNSONE: They would be who?

Q: Well, the mass transit riders. And when it comes to lobbying and putting out political pressure, how does mass transit compare with the others like ports and chemical facilities and other vital sectors who will be competing for the same scarce resources?

MR. CROWLEY: I will start just by saying – I mean, the larger question is the fact that we are continuing to do homeland security on the cheap, so it is a – it starts at a more macro level. If you look at a defense perspective, we were fighting a war in Iraq and there is no sense of limitation when it comes to that. We have supplementals on a regular basis. This year we'll spend \$107 billion in Iraq, even though the military says it's not – we can't defeat the insurgency militarily, but then when you hear Secretary Chertoff, he talks about, well, we have scarce resources and limitations and so I understand his problem, which is if I only have roughly \$30 billion to spend, where do I put it? And in that kind of environment, obviously aviation is going to win out over mass transit and probably should. The question is not whether we're necessarily spending too much on aviation; the question is we are spending too much on aviation at the exclusion of other transit modes. Mass transit is one; port security is one because you can envision easily a scenario in port security that is going to result in hundreds of billions of dollars in economic loss if someone successfully smuggles a dirty bomb through a shipping container into one or more of our ports.

And likewise, as we've said, I think we underestimate the broad impact in terms of sense of community, fabric of how we live and work and operate inside some of our major cities by discounting the impact of one or more transit attacks within the United States. So the real issue is we have to get to treat homeland security as a central dimension of national security and fund it more appropriately.

My estimation is that we probably have about a 25 percent underfunding of homeland security more broadly, which then would allow the federal government to be more assertive not only in setting appropriate standards for transit security, port security, and so on, but then also providing what I would call incentive money that really gets you started towards making some of the changes that Brian has outlined, but – you've got to start somewhere, but I think what we have right know, as we have said, is you've got attention to the issue, but you don't have solutions and then you don't have resources behind those solutions to be able to put them into effect as rapidly as we need to if in fact we view ourselves as being at war.

MR. TAYLOR: The answer to your question that I'll give you is that it is an important issue, but it actually does not relate directly to security, so I would be happy to chat with you maybe afterwards and talk about that because it is a significant issue with respect to funding, but I don't think it directly bears on security funding.

MR. CROWLEY: Okay, Patrick, right there and then we'll come forward.

Q: Mrs. Caitlyn (unintelligible) from the *Boston Globe*. Somebody had thrown out the – I think a \$6 billion figure, was it, for transport over that – and you said the Shelby amendment was a good start with \$1.16 billion. Am I right in thinking that the \$6 billion is what you think is needed?

MR. JOHNSTONE: What was endorsed today is the \$1.16 (billion).

Q: Right. But ideally what kind of amount are you looking for?

MR. JOHNSTONE: Well, from my perspective the issue is that you need to come up with a comprehensive plan. You know, right now any amount you – in the absence of a national transportation security strategy, any amount for transit or anything else would be kind of made up. I feel confident that it is at least \$1.16 billion addition. How much more than that – I think in the absence of this more comprehensive risk assessment-directed plan is – it would be premature to answer.

MR. CROWLEY: And we have time for one more question. We'll come forward right here.

Q: My name is Joel Wishingrad, *World Media Reports*, WMR News. You have been talking about infrastructure monies and so forth ever since 9/11. What is the relationship with the federal government with local municipalities? How well are people working together? How well are various agencies, both federal, state, and local working together? Are there adequate communications between them now?

And, thirdly, what progress has been made since 9/11? And you have been pointing and mentioning both London and Madrid. Did they do the proper things following their attacks recently?

MR. TAYLOR: I'll try and give a quick answer and turn the floor over to Bill. I think that this is drawn on the interviews and survey research we've done. I think it is fair to say that there is a great deal more collaboration and cooperative planning and effort than existed before. Whether it's an appropriately high level is very much in question. And I think that what you have is a model where these transit agencies have a great deal of local independence and control – they're governed by local boards, they've received funding from a variety of sources, and they tend to operate somewhat independently.

Now, one point I would like to make is that the American Public Transit Association and its equivalent in Europe have played a very central role in trying to increase the collaboration between agencies like this, so in talking about how much actual collaboration is going on with various agencies, I think the absolute amounts have been probably disappointingly small, but in terms of where we began six years ago the progress is significant and so one is an absolute and one is a relative responsive.

MR. JOHNSTONE: I would agree with that. I mean, I think by any measure there is a lot more communicating going on. Now, that has a potential downside too: more information is not necessarily better information and it is not necessarily as easy to filter it and make the proper decisions.

This question, though, of what I view as an unarticulated federal role in homeland security, to me is fundamental to a resolution of this question, too. I mean, who is in charge? And if you are a state or city authority, whether it is in making spending

decisions or making other decisions on your own end, you are having to factor in a lack of knowing who or if the federal government is going to fund a given measure that it may have mandated, and who within the feds can you turn to for accountability if problems develop? So I think that question is related to yours.

MR. CROWLEY: I think one of the challenges is that at the federal level we have yet to decide where homeland security fits into the broader picture of national security and, for example, the federal government talks about partnership: right now that's defined as "We set standards and then you pay for whatever needs to be done at the local community." If you are going to have a partnership and you are going to have real federal standards, then in fact the federal government has to be in a position to invest in that, particularly if you want to get there faster.

One of the challenges is how can you have a 10-year or 20-year plan when you say you are in the middle of the war. The two don't compute. So if we have to get to a higher level of security more rapidly, that tends to point towards a stronger federal role than current exists.

The other challenge is that we haven't really decided – and I think one of the real underlying aspects of this panel is, we have yet to really decide what are priorities are. It could will be that the priorities as stated by the administration are correct, but if so there is not an identification only of what has to be done at lower levels, but then is the money there? What is the resource there? You can say that, "Well, the locals will pay for this because transit systems are locally operated," but the mayor is saying, "I have no flexibility to be able to afford the security mandates that you are providing me," so at some points not only deciding what as a nation is important and who is going to be responsible for it, are the resources available, and resources and how you sustain those resources over time, you know, so that we get beyond the appropriations process and you get to a sustainable level where – and this is probably really where the role of the state and local governments – I think it is a federal responsibility to get to a higher level of security more rapidly. It is then primarily a state and local responsibility to sustain that over time. But this all has to be mapped out in a strategy that the federal government has not yet provided and, as Bill says in his paper, really needs to.

We've come to the conclusion of our program. I want to thank you for attending. Thank the C-SPAN audience for listening in. I would like to thank my fellow panelists and at the center here, Antoine Morris, Alex Pryor, Ben Armbruster, and Matt Brown for their hard work in helping to arrange this program in its many details.

Thank you very much. Have a good day.

(Applause.)

(END)