Statement of David P. Pekoske

Administrator

Transportation Security Administration

U.S. Department of Homeland Security

before the

United States Senate

Committee on Commerce, Science, and Transportation

Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security

January 23, 2018

Good morning Chairman Fischer, Ranking Member Peters, and distinguished Members of the Committee. Thank you for inviting me here today to testify about the Transportation Security Administration's (TSA) role in surface transportation security.

My colleagues at TSA and I appreciate the continued support of this Committee and its Members, as we carry out our vital security mission. We are grateful for the constructive relationship TSA enjoys with this Committee, and I look forward to building on this relationship during my tenure at the helm of TSA.

The U.S. surface transportation system is a complex, interconnected network made up of mass transit systems, passenger and freight railroads, over-the-road bus operators, motor carrier operators, pipelines, and maritime facilities. These modes operate in close coordination with – and in proximity to – one another every day. To that point, the different modes of the surface transportation system often use the same roads, bridges, and tunnels to function. In short, the American economy and way of life depend on this network continuing to operate securely and safely.

To put the size of the system into perspective, consider that over 11 million passengers daily travel on the New York Metropolitan Transportation Authority (NY MTA) system alone. And more than 10 billion trips are taken each year on 6,800 U.S. mass transit systems, ranging

from very small bus-only systems in rural areas to very large multi-modal systems, like the NY MTA, in urban areas. More than 500 individual freight railroads carrying essential goods operate on nearly 140,000 miles of track. Eight million large capacity commercial trucks and almost 4,000 commercial bus companies travel on the four million miles of roadway in the United States and on more than 600,000 highway bridges greater than 20 feet in length and through 350 tunnels greater than 300 feet in length. Over-the-road bus operators carry approximately 750 million intercity bus passengers each year. The pipeline system consists of approximately 3,000 private companies, which own and operate more than 2.5 million miles of pipelines transporting natural gas, refined petroleum products, and other commercial products.

As you can see, securing surface transportation is a critically important and complex undertaking. Recent terror attacks and plots – like the attempted suicide bombing in the New York City Port Authority Bus Terminal and an increase in vehicle ramming incidents around the world, including the most recent attack also in New York City – provide compelling reminders of the difficulty in securing a "system of systems" that is designed to quickly move massive volumes of passengers and commodities.

I look at three things when assessing risk in any particular transportation mode; the threat, the vulnerability, and the consequence, should an incident occur. When it comes to the surface mode, I take the threat very seriously. Because of the open nature of these systems, high ridership, and the types of commodities transported, the system is inherently vulnerable and the consequences of an attack would be high. Although we have invested significant resources and implemented numerous programs and policies to reduce identified vulnerabilities and minimize potential consequences, in the current climate, vigilance and preparation can only take us so far. I am actively assessing how best to leverage and enhance TSA's surface expertise to strengthen our partnership with surface stakeholders.

TSA's Role

Unlike aviation, where TSA has been heavily involved in day-to-day security operations since its inception, surface transportation security has primarily been approached as a partnership

with surface transportation owners and operators because they, not TSA, are primarily responsible for their own security operations. We believe this collaborative approach and relationship with surface owners and operators is appropriate. The interconnected, varied and expansive scope of the surface transportation system creates unique security challenges that are best addressed by system owners and operators and federally supported through stakeholder communication, coordination, and collaboration. TSA takes our security role for surface transportation very seriously. To best support surface transportation owners and operators with their security needs, we focus our efforts on system assessments, voluntary operator compliance with industry standards, collaborative law enforcement and security operations, accurate and timely exchange of intelligence information, and regulatory oversight.

TSA's different role in security for surface transportation versus aviation is understandably reflected in its annual appropriation. Although TSA's budget for surface transportation is small compared to the aviation sector, the nation realizes a significant return from this investment. TSA's resources and personnel directly support ongoing security programs with committed security partners who, in turn, dedicate millions of dollars to secure critical infrastructure, provide uniformed law enforcement and specialty security teams, and conduct operational activities and deterrence efforts. TSA invests its resources to help those partners identify vulnerabilities and risks in their operations, and works with specific owners/operators to develop and implement risk-mitigating solutions to address their specific vulnerabilities and risks.

TSA is a co-Sector Specific Agency along with Department of Transportation (DOT) and United States Coast Guard (USCG) for the transportation sector. The USCG is the lead federal agency for maritime security in the U.S., and TSA supports the USCG in its maritime security efforts and in coordinating interagency efforts for the maritime mode. DOT and TSA work collectively to integrate safety and security priorities for the other modes of surface transportation. Although DOT's regulations relate to safety, many safety activities and programs also benefit security and help to reduce overarching risk to the transportation system. In the surface environment, TSA has built upon those standards to improve the security posture with minimal regulations.

TSA's Approach

Information and intelligence sharing is at the heart of TSA's approach to surface transportation security. Whether we are providing unclassified information about known tactics, or classified information about specific threats, TSA works to deliver information to the appropriate surface transportation security partners. We maintain a communication network that facilitates the timely dissemination of information to stakeholders so they can take appropriate actions to prepare for, prevent and defeat acts of terrorism.

TSA also provides training and exercise support to surface transportation operators and their employees. The focus of those efforts is often on ensuring the effectiveness of communication channels, response plans, and other operational protocols. From frontline employees to security executives, TSA works to provide tools that enhance preparedness and close gaps in security planning. We host activities ranging from tabletop to full-scale exercises that focus on events associated with a single transit system to multi-modal regional events that bring federal, state, and local security and emergency response partners together.

Without the partnership, collaboration, and initiative of surface owners and operators, TSA could not fulfill our surface transportation security mission in making systems as safe and secure as practical. I have met with many representatives of the surface transportation community to better understand their concerns and perspective on securing the transportation network and continue to make this type of open dialogue a priority. To that end, TSA is hosting a Surface Public Area Security Summit next month to discuss security best practices and promote additional collaboration. This event will bring together domestic and international surface transportation stakeholders to discuss security challenges, various approaches to addressing them, and opportunities for future collaboration.

Innovation and technology

The inherently open and expansive scope of surface passenger transportation and the evolving threat to it requires TSA to continue researching and developing innovative processes

and technologies to increase security without creating undesired financial or operational burdens. Partnership is the key to fostering innovation and ensuring the surface transportation system is secure both today and in the future.

TSA incorporates partner needs and capability gaps into our work to influence and stimulate the development of new security technologies in the marketplace. This effort is designed to make more readily available innovative and advanced technologies useful for public area security. We try to keep pace with the fast-moving advancement of security technologies to address current and evolving threats by looking at emerging technologies, including from outside the transportation environment, to determine applicability to the surface transportation environment. TSA works closely with surface transportation owners and operators to introduce new technology and approaches to securing surface transportation through collaborative operational test beds for different modes of transportation (mass transit, highway motor carrier, pipeline, and freight rail), and critical infrastructure protection security technology projects to address the increasing threat demonstrated from attacks world-wide. For example, TSA is presently working with New Jersey Transit, Washington Metropolitan Transit Authority, Amtrak, and Los Angeles Metro to assess the effectiveness of technologies designed to address threats associated with person- and vehicle-borne improvised explosive devices.

Implementing 9/11 Recommendations

We continue to work to address the remaining requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act, Public Law 110-53). To date, TSA has met over 90% of the mandates imposed by the 9/11 Act, including 39 of the 42 surface transportation security-related mandates. Completing the remaining 9/11 Act requirements is among my highest priorities.

These mandates include the issuance of regulations for surface transportation employee training and vetting, the conducting of vulnerability assessments and standards for security plans, and mandates for the technology work just described. In December 2016, TSA issued the Notice of Proposed Rulemaking (NPRM) for the Surface Employee Training Rule and the Advance

Notice of Proposed Rulemaking (ANPRM) for the Vulnerability Assessment and Security Plan Rule; TSA anticipates publication of the final Training Rule this fiscal year. While working on these rulemakings, TSA has taken steps through collaborative initiatives and assessments to ensure that front line employees receive security training and that owners and operators have robust security programs which include security plans, employee vetting and exercises.

Although the finalization of these rules is pending, TSA has worked diligently with stakeholders that would be affected by these rules to implement programs that meet, and in several instances exceed, what would be required by the rules. For example, TSA evaluates several areas required for a sound security program through our Baseline Assessment for Security Enhancement (BASE) program, including security training, security planning, and employee and contractor vetting. The majority of the higher-risk transit systems (those with daily passenger trips of 60,000 or higher) achieved a score of 90% or higher in the security planning, security training, and employee and contractor vetting areas in their most recent BASE reviews.

Conclusion

In closing, I believe a reinvigorated strategy is an essential foundation for success in our mission, and I have engaged my executive staff, with their years of experience, to reexamine and re-envision TSA's strategy and to place a much greater emphasis on surface transportation security – both in organizational and mission focus. I have also engaged many private sector surface transportation owners and operators to improve strategic partnerships and promote effective collaboration, and look forward to ongoing engagement with members of this committee as we develop our strategic path forward for TSA.

Chairman Fischer, Ranking Member Peters, and Members of the Committee, thank you for the opportunity to testify before you today. I am honored to serve in this capacity and I look forward to your questions.