

**Statement of
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U.S. Department of Transportation
Before the
Subcommittee on Surface Transportation and Merchant Marine
Committee on Commerce, Science, and Transportation
United States Senate**

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Thank you for the opportunity to appear before you on this critical topic and area of concern for our entire Nation. I want to express my deepest sympathy to the families of the victims of the tragedy of September 11, a day that marked a change in the comfort and confidence our American citizens have in their security and safety. While aviation was clearly the immediate focus for everyone, including the Department of Transportation and national security offices, we realize there is a broader threat to our critical assets and our population. The possibilities we now face are driven by the deliberate attack on our society that most could not have imagined prior to September 11. We must now reexamine some of our basic security assumptions and address potential threats.

I am here to report, first: with confidence that we have been doing just that for transportation, second: with some concern that it is not yet enough in all areas, and third: with commitment that we will continue to identify all vulnerabilities and address them.

On September 11, Secretary Mineta acted quickly and decisively. In response to the unprecedented attacks, the Secretary shut down the entire United States airspace for all civil operations. The Federal Aviation Administration (FAA) has been slowly bringing the civil aviation system back up in studied increments. As you know, before the Secretary allowed our airports to reopen and air carriers to resume operations, airports and air carriers had to meet stringent new security measures through a certification process. I must tell you that we have had an unprecedented level of cooperation between the Federal Government and airport operators and air carriers to implement these procedures so quickly and effectively. Also, we have been working and will continue to work closely with the intelligence community and all components of the aviation industry to identify and address other possible threats. For example, we grounded crop dusters until we could be certain that measures were in place to address their potential use as a means of distributing chemical or biological agents on a populated area.

As President Bush has articulated, at all airports, increased numbers of uniformed and plainclothes security, law enforcement officers, and canine officers have been deployed to

provide greater deterrence, surveillance, and response in the case of an emergency. Access points to secured areas of airports have been reduced to the operational minimum, and airports have increased random security checks and ID checks throughout their entire terminal areas. All cutting instruments, including knives, box cutters, scissors, and straight-edged razors, are banned from carry-on luggage and may no longer be sold in “sterile” terminal areas—those areas beyond the security checkpoints. We have increased the number of Federal Air Marshals flying on select flights and we will continue to expand that program. We will continue to work to improve technology, the workforce, industry vigilance, and our own awareness of possible new access issues.

This brings me to today’s topic. Secretary Mineta has been adamant that aviation is not the only key transportation asset of the United States and we must work now to protect the critical infrastructure elements of our railways, roads, transit systems, pipelines, and waterways. Just yesterday, Secretary Mineta traveled safely to Philadelphia by train. Much has been done, with some restrictions and precautions starting the day of the attack. To date, most have been voluntary or coordinated as action taken under State and local authority. The private sector has been largely responsible for assuring its own infrastructure and business security practices. We have developed a trusted partnership with the transportation industry and State and local authorities that transcends economics and politics and acknowledges that our ultimate goal is to protect our country, its people and our freedom. In light of September 11, we must consider how to ensure the long-term consistency and sustainability of these security measures.

To that end, on September 17, Secretary Mineta created the National Infrastructure Security Committee (NISC) to focus on intermodal transportation security issues in the “new” threat environment. NISC is in the process of identifying high-value, high-consequence transportation assets and current protection strategies; developing a set of national standards that address a prudent level of protection for our most critical transportation assets; and identifying and addressing the strategic gaps between the current and desired level of protection for the most critical of these assets. Secretary Mineta also formed two Rapid Response Teams on Airport and Aircraft Security, and is weighing their recommendations. On September 24, Secretary Mineta established a Maritime Direct Action Group (MDAG), to evaluate the need for enhanced port security measures. We appreciate this Committee’s recognition of the importance of this effort. Formation of the MDAG builds on the United States Coast Guard’s efforts with Homeland Security and Maritime Domain Awareness.

Because of the recognized need for heightened security, coordination and responsiveness by private industry in the initiation and implementation of additional measures have been exemplary the past three weeks. We have been working on identifying and promulgating best practices across all modes. The Federal Railroad Administration (FRA) plays a liaison role between the Department’s security office and the railroad industry. FRA’s broad safety authority and expertise in railroad safety and operational issues give it a significant role to play in helping to analyze and address security threats in the rail mode. Since September 11, FRA has been coordinating with freight, intercity passenger, and commuter railroads and industry groups, such

as rail labor organizations, the Association of American Railroads, The American Short Line and Regional Railroad Association, and the American Public Transportation Association (APTA), to review current security programs in light of the recent terrorist threats to determine whether enhanced security measures may be needed to maintain the security of the railroad industry. The freight railroad industry has established task forces to study security threats to their physical assets, train operations, information technology systems, hazardous materials transportation, and national security shipments. Individual rail companies have already increased inspections and surveillance at sensitive locations such as tunnels, bridges, interlockings, and terminals. Amtrak and the commuter railroads have taken immediate measures to enhance security at stations and at critical points on their routes, and APTA has established a special passenger security task force to examine issues unique to their needs and to determine the need for further improvements.

The Federal Highway Administration (FHWA) has increased efforts to heighten security and surveillance of critical highway infrastructure elements, including vital connectors to our ports, railroads, and military bases. An Emergency Preparedness and Response Team will identify areas of potential vulnerability and operational concerns. This team is examining such issues as vehicle size and weight limits, intermodal coordination, and coordination with the Military Traffic Management Command (MTMC). FHWA Division offices are currently working with State and local DOTs to assess risks to critical infrastructure and countermeasures. Over the next two weeks, recommendations will be made to the field offices for initiatives to maintain the flow of commerce, protect and restore critical facilities, and monitor the movement of hazardous materials. Division offices will work with State DOTs on implementation of an appropriate public notification system, such as the New York City DOT website which updates the closed/open status of all transportation activities—roads, bridges, tunnels, transit, ferries—on one website. The Team will also be identifying technology solutions for priority movement of military and emergency resources, as well as public notification.

The Federal Motor Carrier Safety Administration (FMCSA) is taking swift action to ensure that hazardous materials in the transportation system cannot be used as a potential weapon by terrorists. FMCSA's field staff in every jurisdiction are making security visits to trucking companies that transport hazardous materials to urge heightened vigilance and the creation of security plans. Companies are being asked to carefully look for potential vulnerabilities in every aspect of their operations—from package control to en-route protection to communications--and to devise ways to strengthen safety. Particular stress is given to conducting thorough background checks on drivers and being alert for suspicious behavior from drivers, shippers, consignees or the public. Trucking associations and hazardous materials transport associations are helping out by contacting their members and passing on suggestions for improving security measures.

Our partners in state safety enforcement have joined the effort by giving greater priority to hazardous materials enforcement at the roadside and stepping up driver inspections and license verification for hazardous materials carriers.

FMCSA has been cooperating closely with the Federal Bureau of Investigation and other law enforcement agencies to check on drivers who hold licenses to transport hazardous materials. In the past two years, the FMCSA has dramatically increased its scrutiny of state licensing agencies to root out corruption in commercial licensing.

Over-the-road bus companies and other commercial passenger carriers are cooperating with FMCSA to heighten security, reviewing baggage checks and ticketing procedures, consulting security professionals, and, as much as possible, avoiding locations that might pose security risks to passengers.

The Federal Transit Administration is providing assistance to help improve the preparedness level of transit agencies across the country.

Contingency response plans are being outlined at all levels for all modes of transportation. Let me assure you that we are continuing to identify critical transportation assets and define potential or current countermeasures and assurance measures to protect them.

America's waterways, like air transportation, are a key element of the critical transportation infrastructure. Considering that 95% of all overseas products move through seaports, the Department of Transportation is especially interested in detecting cargo and people that may arrive aboard ships having the intent to harm the United States. Equally important, we are working hard to identify persons operating clandestinely on the water, with the intent of protecting ports from disruption and damage. We are working cooperatively with other Federal agencies and maritime industry groups to share information and resources for a common purpose.

The United States Coast Guard acted promptly to ensure the security of the waterways, exercising its full authority to identify, examine, and control ships and watercraft in and near critical assets and populated areas.

In order to improve pipeline security, the Research and Special Programs Administration immediately issued threat advisories to pipeline companies, continues to review the security measures of major pipeline companies, and is working with the Department's State regulatory counterparts to relay security advice to intrastate pipeline companies.

We must now rigorously test the effectiveness of the established and newly implemented security procedures across all modes. We must also enhance our efforts in physical security vulnerability assessments. Our capabilities to make these assessments are not consistent across all modes, and we are working on plans to address this disparity. We must examine the security measures implemented with confidence in the aviation industry and move to attain comparable levels of security and confidence in the other modes in all areas, such as employee verification, access control, awareness, inspection and protection.

We are examining how we can initiate and require measures to protect all transportation assets nationwide, and protect sensitive security information across all modes. This specific authority is now available to the FAA and the Coast Guard but not to the Secretary of Transportation or other modal administrators. Voluntary measures will not provide the systematic and ongoing security level the Department seeks and the United States requires.

Lastly, I want to address the issue of commitment. I am proud of the commitment of the workers of all of the operating modes of the Department of Transportation in addressing this clear and present danger. For example, the Department's Crisis Management Center was immediately operational at 9 a.m. on September 11, and was operated around the clock by employees, including many volunteers, from virtually every DOT agency. In addition, I applaud the commitment of the transportation community to identify their own vulnerabilities, address them, and work with the Government to go the next step and achieve what Secretary Mineta has called a "new normalcy."

Thank you for this opportunity to present my thoughts before you. I welcome your comments and questions.

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