



ASSOCIATION OF  
AMERICAN RAILROADS

May 22, 2020

The Honorable Roger F. Wicker  
Chairman  
Committee on Commerce, Science, and Transportation  
United States Senate  
Washington, DC 20510-6135

Dear Chairman Wicker,

On behalf of the full membership of the Surface Transportation Security Advisory Committee (STSAC), I express sincere appreciation for the congressional action that established this body and for your request, dated May 11, 2020, for our feedback on the fiscal year (FY) 2021 budget request for the Transportation Security Administration (TSA).

As you know, the STSAC advises the TSA Administrator on priorities and policies to enhance security in innovative, cooperative, and sustainable ways across all modes of surface transportation. Appointed by the Administrator following a competitive application and selection process, the Committee is comprised of a diverse group of leaders representing each of the surface transportation modes – mass transit and passenger rail, intercity busing, pipelines, trucking, and freight rail. Collectively, they share a commitment to joint efforts through the public-private partnership to confront current and emerging, physical and cyber, threats; create opportunities for deterrence and prevention; and elevate response and recovery capabilities.

In the STSAC's still brief existence, the members have established unified priorities in four areas that are fundamental to effectiveness in security and emergency preparedness. Significantly, these priorities align with, and support, objectives defined in TSA's security strategy and the Administrator's Intent. For each of these areas, dedicated subcommittees are working diligently to advance near and long-term solutions. The joint priorities of TSA and the STSAC are:

- Security Risk and Intelligence: Assess security risk thoroughly to ensure adequate resources are available and committed for prevention and response; assure timely sharing of actionable threat intelligence and related security information for informed vigilance and effective and sustainable protective actions and measures; and protect classified and sensitive information from public disclosure and exploitation by adversaries.
- Cybersecurity: Establish an early notification network for timely sharing of reports by surface transportation organizations on cyber threats, incidents, or indicators of security concern. Experience has demonstrated this type of information sharing can blunt developing attacks before they achieve success.
- Insider Threat: Apply insights gained from investigations of insider threat incidents, particularly those affecting transportation organizations, to identify recurring indicators of concern in behaviors and activities. This analysis will inform vigilance and enable intervention to prevent harm.

- Emergency Preparedness and Resiliency: A priority whose importance is all too well demonstrated over the course of the past three months – and many months to come – through the continuing emergency response to COVID-19. This group focuses on harnessing the experience of surface transportation organizations in addressing emergency situations, whether resulting from intentional, accidental, or natural causes. The aim is to define effective capabilities and practices that any surface transportation organization can adapt and apply – to elevate preparedness broadly.

A principal prompt for your correspondence of May 11<sup>th</sup> is the scale of adverse impacts to transportation organizations caused by the pandemic – and their effect on considerations underlying the FY 2021 budget request. Federal funding as a reliable resource to support continuous improvement in surface transportation security and emergency preparedness has always been viewed by industry as a measure of the government’s commitment to this shared mission. Its significance is accentuated by COVID-19, which has raised unprecedented concerns and demands for workers who have stayed on the job throughout, caused drastic reductions in passenger travel by air and surface modes, substantially curtailed flows of cargo and commodities, and necessitated changes in business practices. Among the latter are greatly expanded procurements, costs, and care for cleaning of transportation vehicles, terminals and stations, and facilities generally. Of the nine questions posed in your letter, four implicate the mission of the STSAC. Each is addressed in turn:

*Question 1. The FY 2021 budget request proposes to eliminate the Visible Intermodal Prevention and Response (VIPR) teams. How would the Administration’s proposed elimination of VIPR teams impact transportation security, especially when teams are using explosive detection canines?*

The elimination of the VIPR teams will undermine a key pillar of the layered security approach that TSA rightly advocates for organizations across transportation modes – for the safety and security of passengers in aviation, intercity busing, and mass transit and passenger rail and for protection of key assets and sensitive facilities elsewhere in the sector.

Analyses of successful attacks, failed attempts, and disrupted plots have repeatedly demonstrated that terrorists and violent extremists devote considerable effort in preparations to evaluating security practices, or their absence, at prospective targets. Pre-attack reconnaissance focuses specifically on discerning these attributes. However, the preparations can be disrupted. Effective deterrence integrates a range of measures, varying in type, frequency, and location. The randomness and unpredictability of these visible security activities avoids the patterns and narrows the gaps on which terrorists and extremists thrive.

Significant in this regard are the observations of John Pistole, who served as both Deputy Director of the Federal Bureau of Investigation (FBI) and TSA Administrator. Based on insights gained from interviews of detained terrorist suspects over many years, Mr. Pistole frequently highlighted the three types of security measures consistently cited as sources of most significant concern to plotters: uniformed law enforcement officers or security professionals; explosives detection canine teams; and, for non-suicide attackers, surveillance camera systems. The TSA VIPR teams directly provide two of these deterrents – uniformed personnel and canine teams – and they augment the third – the existing security cameras deployed in most passenger transportation venues.

Further, the proposed elimination of the VIPR program does not occur in a vacuum. It follows a more than two-thirds reduction in funding of the Transit Security Grant Program (TSGP) since FY 2007 – from more than \$300 million to less than \$90 million now. Funding of the Intercity Bus Security Grant Program has declined more than 80 percent over this same period. In both cases, federal officials had asserted the effects of these funding cuts would be attenuated by TSA’s sustained commitment to the VIPR Program and other security support initiatives.

If approved, the FY 2021 budget request would eliminate this intended ameliorating effect and deny transportation organizations a resource upon which they have come to rely for proactive and varied preventive measures. Hundreds of transportation organizations have partnered with TSA for VIPR team support. The teams’ presence and actions reflect a proactive security posture for preservation of public safety and bolstering of public confidence. As one higher profile example among many others, VIPR teams deploy in the dozens for security operations conducted by Amtrak, the nation’s passenger railroad, under its Regional Alliance Including Local, State and Federal Efforts (RAILSAFE). The Amtrak Police Department coordinates with local and state law enforcement, transit and railroad police, and TSA to deploy well in excess of 1,000 officers in unannounced security surges at Amtrak and commuter rail stations nationally. The periodic, and random and unpredictable, execution of these operations enhances deterrent effect. The VIPR teams, which include explosives detection canines, are an integral, and vital, part of this sustained effort.

*Question 2. How would the FY 2021 request to eliminate funding for TSA’s Law Enforcement Officer (LEO) reimbursement program impact the security of the traveling public?*

Although currently an airport security initiative, TSA’s LEO reimbursement program could provide substantial security benefits to the traveling public if applied in the surface passenger modes of mass transit, passenger rail, and intercity busing. As with airports’ authorities, a large number of public transportation agencies, commuter railroads, and intercity busing companies depend upon either contracted arrangements, or more often goodwill, of local law enforcement departments and agencies for security support. Especially in the wake of the severe losses in revenue due to COVID-19, which have resulted from declines in passenger volume that have exceeded 90 percent, these organizations would benefit from an expansion, and increased funding, of the LEO reimbursement program for surface transportation security under clearly defined parameters. The STSAC can work with the Administrator to attain this productive outcome.

*Question 5. What opportunities do you see for TSA to increase the use of third-party canines?*

Canine teams provide a very effective deterrent resource for surface transportation security. They are highly mobile, allowing for their use during varied times and at numerous locations within a transportation network – in stations and terminals, on board trains and buses, in cargo storage or transfer areas, at key assets and sensitive sites, and at security checkpoints, such as in airports and border crossings. Importantly, prospective attackers or criminals can never be certain of the canines’ capabilities. They are, therefore, compelled to assume that the contraband they are seeking to introduce, whether explosives, firearms, or drugs, will be subject to detection. The environment of the potential target becomes far less attractive as a result. For these reasons, security and law enforcement professionals consistently rate trained and certified canines as the most reliable and effective means to detect and deter attempts to introduce improvised explosive devices (IEDs) into transportation vehicles and venues and other public areas at which large crowds assemble.

As noted earlier, deployed canine teams have been repeatedly cited by detained terrorist and violent extremist suspects as one of the security measures of greatest concern. An expanded third-party canine training and certification program, governed by standards and oversight set by TSA, will expand the availability of this resource for security enhancement in all transportation modes. Security support, through elevated grant funding or other means, can offset costs for resource constrained passenger transportation organizations and ensure broader usage of this proven deterrent.

*Question 9. How would eliminating the VIPR teams, as the FY 2021 budget request proposes, impact transportation security?*

As discussed above, eliminating VIPR teams would bring additional challenges, particularly in light of prior steep reductions in the federal commitment of resources required to address the assessed terrorism-related threat to surface transportation. Since enactment of the *Implementing Recommendations of the 9/11 Commission Act*, a principal resource for sustained security enhancement in surface transportation – the federal infrastructure protection grant programs – has been sharply cut. The Transit Security Grant Program, funded at \$88 million for FY 2020, is less than one-third of the investment made in 2007 – when the 9/11 Act took effect. Funding of the Intercity Bus Security Grant Program has been cut more than 80 percent. The Freight Rail Security Grant Program, a resource of particular value to short line railroads, has been eliminated entirely. As these cuts occurred, the threat environment diversified – necessitating preparedness to prevent and respond to cyber and physical attacks. The proposed eliminations of key security support programs, notably the VIPR teams and the LEO reimbursement program, will aggravate these effects, at a time when organizations are seeking to rebound from the debilitating impacts of the COVID-19 pandemic.

Thank you very much for seeking the perspective of the members of the STSAC. If you have questions, or would like to discuss these matters further, please do not hesitate to contact me at (202) 639-2220 or [tfarmer@aar.org](mailto:tfarmer@aar.org).

Sincerely,



Thomas L. Farmer  
Chairman  
Surface Transportation Security Advisory Committee