



Department of Homeland Security

Transportation Security Administration

Docket No. TSA – 2013-0005

RIN 1652-AA55

Request for Comments on Security Training Programs for Surface Mode Employees

COMMENTS OF THE AMERICAN BUS ASSOCIATION

July 15, 2013

The American Bus Association (ABA) appreciates the opportunity to submit these comments in response to the Transportation Security Administration's (TSA) *Request for comments on Security Training Programs for Surface Mode Employees*. Specifically, by notice in the Federal Register (78 Fed. Reg. 35945, June 14, 2013), TSA asked for information on security training provided by motorcoach companies and their owners involved in the provision of transportation services by the over the road bus industry. This request for comments is in advance of TSA's completing a NPRM that would fulfill requirements of the *Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act)* to mandate security training for frontline employees. (See, 78 Fed. Reg. 3594).

The ABA is the trade association for the over-the-road bus and motorcoach industry. The ABA is home to some 850 bus operating companies and over 3,000 other companies, organizations and partnerships involved in providing transportation, tour and travel services to the traveling public. In sum, ABA bus operator members provide approximately 720 million passenger trips annually. ABA members are engaged in all manner of transportation services. We provide intercity point to point, commuter, airport shuttle and charter and tour services nationwide. ABA members provide service to almost 3,000 locations; in rural, urban and suburban communities. All of these services are provided by an industry that is largely a small business industry. The average ABA bus operator member owns or operates eight motorcoaches and a new motorcoach with no "modifications" costs approximately \$500,000. It is important to note that the industry gets no subsidy, either capital or operating, from the federal government to provide service. ABA bus operator members live on the revenue generated from the "fare box".

The private bus industry is, like the transportation system it is a part of, diverse and open. ABA member Coach USA is a non-carrier entity that controls numerous motor passenger carriers (“Coach USA Companies”) which provide scheduled services through its Megabus unit and through other operating carriers, as well as charter, commuter and other bus services. ABA member Greyhound Lines is the nation’s largest scheduled service bus operator. It provides such services in all States. While there are carriers that supply nationwide service, *e.g.*, Greyhound Lines and Coach USA, the majority of the nation’s private bus and motorcoach service is provided by much smaller entities and partnerships with limited resources, material or personnel. As one example, the average ABA bus operator member owns eight motorcoaches. The small business nature of the industry leads inevitably to each bus company management/ownership wearing many “hats”. Thus, a company President may also take on the roles of marketing chief, head of maintenance and leader of the company’s Americans with Disabilities Act (ADA) office. In addition, and most relevant to these comments, since the attacks on 9/11 many small bus operators took on the additional job as chief of security of their companies.

The attacks on the nation on 9/11 did expose some security weaknesses for the private bus industry. Chief among them was the lack of resources in the industry for security purposes. Security upgrades were also considered necessary but again the private bus industry was largely unable to pay for such upgrades. This inability to pay is a function of the small business nature of the industry, the huge number of bus operators with few resources and the inability of bus passengers to absorb any fare increases that could be used to pay for security upgrades. In addition, the publicly funded transit agencies which provide transit services nationwide were also unable to fund security measures. Thus, beginning in Fiscal Year 2003, the Appropriations Committees in Congress, with the urging of the private bus industry, began to provide funds for security improvements by the private bus industry.

This program became the Over-The-Road Bus Security Grant Program (“OTRB Security Grant Program”). This program overseen by organizations in the Department of Homeland Security made available to private operators between ten and twelve million dollars a year for bus security grants. This was a competitive grant program which required successfully applicants to provide a 10-20% “match” to any federal funds awarded.

The program was a success. In fact, the program was always over-subscribed. There were always many more applications for grants than there was money awarded. From FY 2003 through FY 2011, nearly \$300 million in federal funding was requested for security projects impacting the private motorcoach industry. Less than 1/3 of the requested amount was awarded. Of the amounts awarded, nearly 10% of the funding was applied to requests related to security training.

Under the OTRB Security program bus operators could compete for funds to upgrade analog cameras to digital cameras; put cameras in maintenance facilities and staging areas; establish emergency communications between bus dispatch and security and emergency first

responders. Some carriers used these funds, supplemented by their own funds to install driver shields to deter attacks. Greyhound used OTRB funds and its own money to develop a system whereby passengers, baggage and freight shipments could be screened by security personnel and checked via wand or through magnetometers and explosive detection devices in seeking weapons and explosives in their larger terminal locations. Coach USA used such funding to support and expand its training programs, provide for GPS systems and “kill” switch technology on their vehicles, and security fencing around bus yards, among other security measures. In addition, bus operators were able to secure funds to begin the process of training bus drivers and other company personnel in security planning, incident planning and response and incident recovery.

ABA recounts the history of the OTRB Security program for three reasons: first, it highlights the interest the industry has in bus security. Second, this history makes plain the continued need of the industry for security funds. Third, while the need continues the OTRB program is no longer in operation. In 2011 the Department of Homeland Security (DHS) was given the authority to provide security funds to all modes of transportation. At the end of the day the only mode of transportation left without any federal security funding was the private bus industry and its 720 million passengers. This result is incongruous with the demonstrated need, as conclusively shown by a TSA assessment on threats to and vulnerabilities of the motorcoach industry released in 2010 (*See, Transportation Sector Security Risk Assessment (TSSRA) released May 15, 2013, p. 47*). It is of some moment that worldwide, as shown in the threat assessment and in previous studies (see, for example: *Mineta Transportation Institute Study, (MTI Report 11-07, March 2012)* that: “Public surface transportation has been and remains a primary target for terrorists throughout the world. The MTI Database on *Terrorist and Serious Criminal Attacks Against Public Surface Transportation* records 3159 attacks against public surface transportation between January 1, 1970 and January 23, 2012. Of these attacks 47.4 percent were against buses, bus stations, and bus stops... they accounted for 55% of the fatalities and 41 percent of the injuries resulting from terrorist attacks during this period.” *MTI Study, page 1*.

In addition to the need for security funding for training, facilities and equipment upgrades and vehicle security solutions, the diverse nature of the private bus industry demonstrates why the security requirements of the industry will vary greatly depending on the company’s size, resources, service area, customer demographic and mission. This is not an industry in which security protocols will be one size fits all. Moreover, any security requirements should also be informed by the security training and security solutions which particular bus companies have accomplished or that are in place at the time of the publication of the TSA’s NPRM.

In fact it has been recommended and adopted that the motorcoach industry adopt a risk based approach to security planning. This TSA-endorsed approach, known as the security and emergency preparedness plan, (SEPP) helps companies prioritize their security improvements and processes. Taking a wholistic approach to security from a facility, vehicle, and training

perspective, including evaluating current processes and procedures in place is a critical component of a company's security program. How can you know what kind of training you need to do without thinking about what kind of security you have or need?

As examples, Greyhound Lines, an ABA member and one of the most significant private national motorcoach companies has trained its "front line" employees in Operation Secure Transport (OST) and is currently retraining all employees with the updated version of OST. Greyhound has also installed enhancements to its buses including driver shields (which were partly funded by grants under the OTRB Security program) and GPS devices that provide additional protection. Finally, Greyhound has for several years conducted a random passenger inspection program at its major terminals.

ABA would endorse the adoption and retention of the OST training program as the standard for the over-the-road bus industry. ABA would note that over 1800 bus companies have received and administered security training materials under this train-the-trainer program that were delivered during ABA's administration of this program.

Similarly, as noted in its comments to this docket, that despite having thousands of employees, Coach USA considers 85% of its employees to be "frontline" employees and trains them either through a monthly management security committee training; the use of OST training and the contracting out to the entity known as "CAT Eyes" to provide a three hour security awareness course to all employees.

Both Coach USA and Greyhound Lines however will be the first to say that security within the OTRB industry requires both funding and security programs that can help both large and small companies to continue to focus on security as a priority. And the experience of Greyhound Lines' as documented in the comments filed by that carrier in this docket on July 12, 2013 under the signature of Greyhound's Director of Safety, Alan Smith; and the comments filed on behalf of Coach USA by its President, Dale Moser on July 15, 2013, certainly supports this conclusion.

As Greyhound notes some 90% of its employees are classified as "frontline" for which the carrier operator would be required to have a security training program. Coach USA's classifies 85% of all its employees as frontline. Both carriers have thousands of employees. The average bus operator member of ABA has eight motorcoaches and fewer than fifty employees (which may include part-time drivers). Thus many, if not all, of the full time employees for an average motorcoach operator will be considered "frontline" employees and will under the 9/11 Act could require security training.

This 85%-90% frontline figure reveals certain facts of the OTRB industry that should be borne in mind when considering what security training is necessary and for which employees. First, as many smaller bus operators have multiple responsibilities (e.g. Director of Safety as well as Director of Marketing) the "frontline" status of almost all of the operator's employees is

assured. Second, the need for security training may also be categorized as the need for funding for security training. The motorcoach industry is primarily a small business industry with, as noted above, fewer than fifty employees for the average operator. In addition, the number of an operator's employees is also impacted by the number of motorcoach operators that operate one or two motorcoaches. In fact, while the ABA has almost a thousand bus operator members, the Federal Motor Carrier Safety Administration (FMCSA) the agency responsible for regulating the private bus industry has some 3,000 motorcoach operators in its database. The delta between the ABA membership and the FMCSA regulatory rolls is generally composed of very small bus operators.

However, the presence of so many small bus operators in the industry only increases the need for security training for these operators. Most of the smaller bus operators in the nation provide what is called "charter and tour" services to the public. Specifically, these operators charter their buses with drivers to transport myriads of groups, classes and families to various places around the country. As an example, Washington, D.C. will host the passengers of up to a thousand motorcoaches per day during the city's peak tourist season. These motorcoach operators will provide service for groups from across the country and from across the globe. Thus, security training is necessary for carriers despite their size and resources because they provide service to many heavily populated and popular destinations across the nation.

And it is a fact that motorcoach travel is growing. ABA agrees with the comments from Greyhound Lines that motorcoach travel has grown seven percent in the last year, in fact motorcoach travel has by some estimates has grown even more. See, Joseph P. Schwieterman, Lauren Fischer, "*The Intercity Bus: American's Fastest Growing Transportation Mode 2010 Update on Scheduled Bus Service*" Chaddick Institute for Metropolitan Development, Chicago, 2010, p. 4 for the conclusion that between 2007 and 2010, intercity bus ridership grew by an estimated 22 percent. The boom in travel has of course fueled an increase in hiring and of new motorcoach operators attempting to come into the industry.

So the need for security training is manifest as is the need for a granting program that will enable bus operators to afford security training. ABA notes that other modes of transportation, i.e. Amtrak and the nation's airlines are provided with billions of dollars in public funds for security. While the private bus industry and its over 700 million passengers is the only passenger transportation mode that is excluded from security funding.

However, it does not follow that security training must be expensive to be effective. The OTRB program was funded at between \$10 and \$12 million dollars each year. That competitive grant program was well managed, fairly run and as noted above, provided security for millions of bus passengers nationwide. Also, during the first years of the OTRB Security program, organizations including the ABA were awarded grants for providing security training. In sum, ABA established a "train the trainers" program by which bus operator companies' officials were trained in security protocols and methods and then returned to their respective carriers to train

other employees. This training therefore allowed key company officials to train and be trained without disrupting business routines. ABA commends this type of training protocol to TSA.

ABA hopes this information is helpful to TSA as it prepares its NPRM on training requirements. We would be happy to provide any additional information TSA would find useful.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clyde J. Hart, Jr.", written in a cursive style.

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