

Before the

**United States House of Representatives
Committee on Homeland Security,
Subcommittee on Transportation Security**

Statement of

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President
Bulldog Hiway Express
&
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On

***“TSA’s Surface Inspection Program: Strengthening
Security or Squandering Scant Resources?”***

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Introduction

Chairman Rogers, Ranking Member Jackson Lee, and members of the Subcommittee on Transportation Security, thank you for the opportunity to testify today on TSA's Surface Transportation Inspection Program. My name is Phil Byrd and I am President and CEO of Bulldog Hiway Express, a company based in Charleston, South Carolina. Founded in 1959, Bulldog Hiway Express is an intermodal motor carrier that moved the first container to come off a vessel in the Port of Charleston. The company has approximately 200 power units, 350 trailers and 250 employee-drivers.

Today, I am also testifying on behalf of the American Trucking Associations (ATA) where I presently serve as Vice Chairman. ATA was founded in 1933 and serves as the nation's preeminent organization representing the interests of the U.S. trucking industry. Directly and through its affiliated organizations, ATA encompasses over 37,000 companies and every type and class of motor carrier operation.

As a longstanding ATA member, I have served on various committees within the association including as Chairman of its Homeland Security Policy Committee (HSPC) and as Vice Chairman of its Intermodal Motor Carriers Conference (IMCC). In those capacities, I have had the pleasure to testify before this Committee on a number of issues and I am pleased to testify today on efforts to secure our surface transportation operations.

First, I want to recognize this Subcommittee's members for their efforts and bipartisan leadership in addressing the continued multiplicity of Security Threat Assessments (STA) that commercial drivers undergo to deliver America's freight. ATA and its members strongly support enacting the MODERN Security Credentials Act of 2011 and we look forward to Congress passing this important legislation. This issue remains ATA's top security policy priority for its potential to bring relief to millions of truck drivers and thousands of trucking companies from unnecessary and overlapping background checks and the resulting excessive costs.

The trucking industry is an integral component of our economy, earning more than 80% of U.S. freight revenues and employing approximately 7 million workers in trucking-related jobs, including over 3 million commercial drivers. It is important to note that the trucking industry is comprised primarily of small businesses, with 97% of trucking companies operating 20 trucks or less, and 90% operating six trucks or less.¹

Highway Sector Supports Strong National and Economic Security

The U.S. highway and motor carrier sector has been defined by the U.S. Department of Homeland Security (DHS) as one of nineteen Critical Infrastructures/Key Resources (CI/KR). In 2006, various private sector highway related organizations established the Highway and Motor Carrier Sector Coordinating Council (SCC). The SCC works in partnership with public sector representatives established under a counterpart Government Coordinating Council (GCC) under the auspices of the Critical Infrastructure Protection Advisory Committee (CIPAC). The SCC and GCC have met for

¹ American Trucking Associations, *American Trucking Trends 2012* (March 2012).

the past six years on a quarterly basis to share ideas and exchange information to improve the security of the nation's highways. In addition to the SCC, ATA and its members participate in many industry and government-led initiatives focused on enhancing security and ensuring an open and efficient transportation system to deliver America's freight.

Although a decade has passed since the terrorist attacks of September 11, 2001, our nation continues to maintain a steady level of alertness by implementing a number of initiatives, both domestically and abroad, to prevent our enemies from planning and executing further terrorist attacks against us. To further mitigate the risks of future attacks, we must continue to strengthen cooperation between government agencies and private sector entities, improve coordination among federal, state and local governments, and we must coordinate closely with our international trade partners.

TSA Efforts to Secure Surface Transportation Highway Mode

In addition to various security regulations that TSA has implemented, many directly impacting the highway sector, TSA has initiated efforts to increase its operational presence throughout the transportation sector. For example, last October it was widely reported that TSA deployed Visible Intermodal Prevention and Response (VIPR) teams at several locations along highways in Tennessee². A similar "counter-terrorism exercise" was conducted in the fall of 2010 in Douglas County, Georgia on Interstate 20 which also involved the participation of VIPR teams with commercial vehicles stopped and inspected.³ According to media reports, the inspections that took place in Georgia involved more intensive inspections, including sending trucks through equipment measuring radiation.

At a meeting of the Highway Motor Carrier SCC and GCC earlier this month, TSA officials informed industry representatives that no specific intelligence or threat information compelled TSA to mobilize VIPR teams for these operations at highway facilities including commercial vehicle weigh stations. Rather, TSA officials stated that the VIPR teams were present at such locations at the invitation of state law enforcement entities, such as the Tennessee Highway Patrol, to augment the security capabilities of state law enforcement personnel and to increase the visibility of such operations.

ATA does not oppose TSA mobilizing VIPR teams within the surface transportation arena as long as such mobilizations are undertaken to increase the level and presence of law enforcement personnel based on sound intelligence that warrant a heightened level of security. However, it seems that the presence of VIPR teams in Tennessee last October was not based on any specific threat or intelligence calling for an increase presence of security personnel. Instead, it appears that the VIPR teams were present to distribute information to commercial drivers about means to report suspicious activities they might witness while performing their duties.

² <http://www.newschannel5.com/story/15725035/officials-claim-tennessee-becomes-first-state-to-deploy-vipr-statewide>

³ <http://www.wsbtv.com/news/news/counter-terror-operation-stops-trucks-on-i-20/nFCry/>

As a key agency within DHS, TSA can have a positive impact by strengthening the partnership with private sector counterparts, including the development of security initiatives or training exercises. Unfortunately, it appears that the objectives of the VIPR team operations that took place in Tennessee did not follow a fundamental goal enunciated by TSA's leadership. On June 2, 2011, Assistant Secretary John Pistole made the following statement at a hearing before this Committee:

"TSA employs risk-based, intelligence driven operations to prevent terrorist attacks and to reduce the vulnerability of the nation's transportation system to terrorism... TSA works collaboratively with industry partners to develop and implement programs that promote commerce while enhancing security and mitigating the risk to our nation's transportation system."⁴

ATA fully agrees with Mr. Pistole's approach and we are ready to work with him, his TSA colleagues, and other federal agencies to improve the security and safety of the transportation sector using a risk-based approach. Because both government and private sector resources are finite, it is critical that such resources are dedicated to programs and operations in areas that face a constant heightened level of risk or in sectors where sound intelligence and specific threat analysis indicate a need for increased security.

If TSA is going to conduct operations or exercises as those described in Georgia and Tennessee, ATA requests that the agency inform trusted industry representatives, such as SCC members, that such initiatives are likely to take place in particular timeframes and geographic areas to ensure commercial trucking operations can plan accordingly and not face unnecessary disruptions for time sensitive deliveries. Also, involving or raising awareness about such operations with trucking companies could improve the outcomes of such exercises, especially if the goal of such operations is to provide commercial drivers with information about security awareness.

In regards to outcomes, ATA further recommends that this Committee require TSA to report and provide specific information about the results of such VIPR highway operations, and any other similar initiatives that the agency implements in the surface transportation sector. Such reports should clarify if the operations were conducted due to specific intelligence or threat information, or if such operations were conducted simply as training or information exercises. These reports would provide valuable information regarding the costs and benefits of such exercises and efforts, and should also provide TSA with valuable information regarding potential improvements and the actual value of undertaking VIPR operations in the highway environment.

Conclusion

As this Committee considers the present security challenges within the surface transportation sector and how to mitigate these risks, ATA reiterates the importance of improving communication between industry and the various levels of government to strengthen our security posture and capabilities.

⁴ Pistole, John S.; Statement before the Subcommittee on Transportation Security, June 2, 2011, p. 1

The private sector and government share a strong mutual goal of impeding any potential terrorist attacks on our Nation. At a similar hearing before this Committee last year, ATA described how an alert trucking company employee prevented a terrorist plot involving explosives. In that case, the employee recognized and researched some of the materials listed in a package and alerted the company's security team. Federal law enforcement personnel were brought in and the would-be terrorist was eventually arrested when he tried to pick up the package.

As with other terrorist plots inside the U.S., this event garnered much media attention. One media outlet described the events that transpired as follows:

In the end, it wasn't a TSA agent, a Homeland Security operative or an FBI agent who first spotted alleged terror plotter Khalid Ali-M Aldawsari. It was the employees of a private shipping company. According to the government, somebody at the shipping company called local police after becoming suspicious about a chemical package that Aldawsari was set to receive.

Meanwhile, officials at the chemical company that sent the material called the FBI with their suspicions about Aldawsari—and later worked with an FBI agent who posed undercover as a company employee in dealings with the suspect.⁵

This incident underlines the fact that industry, just as much as government, has increased its level of alertness and vigilance to prevent terrorists from utilizing or targeting our U.S. transportation system, including the surface modes.

ATA and its members are presently participating in a number of information sharing initiatives to facilitate the flow of information and intelligence to improve the security posture of our industry. Initiatives involving the Homeland Security Information Network, the Office of the Director of National Intelligence, the FBI's InfraGard program, as well other federal, state and local efforts, are allowing industry to share information directly with the intelligence and law enforcement community.

ATA urges this Committee to encourage federal agencies to continue improving information sharing initiatives and cooperation as a better alternative to establishing security operations that do not have clear goals and objectives, and that are undertaken without any specific intelligence or information that call for heightened levels of security in our nation's transportation system.

I thank you again for the opportunity to testify before this Committee and I am pleased to answer any questions.

⁵ "How Two Companies Stopped a Terror Suspect", CNBC.com; February 24, 2011; http://m.cnbc.com/us_news/41766933