

Calendar No. 210

108th Congress }
1st Session }

SENATE

{ REPORT
{ 108-104

**MAX CLELAND OVER-THE-ROAD BUS
SECURITY AND SAFETY ACT of 2003**

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 929



JULY 16, 2003.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

19-010

WASHINGTON : 2003

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED EIGHTH CONGRESS

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Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 929]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 929) to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purposes of this bill, as reported, are to establish a direct grant program to improve security of over-the-road buses and to authorize the Secretary of Homeland Security to conduct a study to develop recommendations for improved security of over-the-road bus operations.

BACKGROUND AND NEEDS

Over-the-road buses, or motorcoaches, operate in both commuter and intercity operations. The intercity motorcoach industry, which includes regularly scheduled point-to-point service and chartered tour operations, carried more than 774 million passengers in the United States in 2000. Approximately 35 to 40 million travelled on fixed route intercity buses, while the remainder of passengers utilized charter, tour, commuter, or local bus services. The 12 class I bus companies, defined by the Bureau of Transportation Statistics as having revenues of at least \$10 million or more annually, carried approximately 33 million passengers in 2000. According to the Bureau of Transportation Statistics, the intercity bus transpor-

tation industry serves 5,000 locations nationwide, many of which are rural communities that might not have other modes of intercity transportation. Intercity bus transportation poses difficult logistical security problems. Of the 4,000 bus companies, 90 percent operate fewer than 25 buses.

There are worrisome precedents for security breaches on buses. For example, in the Middle East, terrorists have used buses to inflict casualties in a number of crowded cities. In the United States, Greyhound drivers and passengers were the targets of at least four serious assaults in the last two years, including one accident that killed 7 passengers and another that resulted in 33 injuries. There also have been at least 3 other serious security breaches. No other major United States transportation mode experienced as many incidents of passenger attacks during that period.

In response to the incidents, Greyhound has taken a number of steps to enhance security. These steps include: conducting random screening of passengers and baggage (through "wandering") at selected terminals; requiring personal identification when purchasing tickets; providing cell phones to drivers as an interim emergency communications system; increasing security personnel in terminals; giving the driver the right to limit access to the first row of seats; and establishing information and communications systems to aid and coordinate with law enforcement.

Federal support is needed to further improve bus security. Additional security measures could include: wandering in all terminals; full implementation of an identification system when purchasing tickets; a nationwide emergency communications system providing location, audio, and silent monitoring; enhanced driver compartment security; increased security training; development and maintenance of information and communication systems with law enforcement; and other measures to make buses, terminals, and garages more secure.

In the wake of the September 11, 2001, terrorist attacks, the Committee has reexamined the security of all transportation modes within its jurisdiction. With increased aviation and port security efforts underway, other modes could be more vulnerable to attacks by terrorists and criminals.

With so many Americans utilizing over-the-road buses to meet their transportation needs, it is necessary and appropriate for the Federal government to utilize public resources to help satisfy the transportation security needs of the bus-riding public, as well as provide incentives for increased private investment to enhance security.

In H.R. 4775, the Supplemental Appropriation Act for Further Recovery From and Response to Terrorist Attacks on the United States for fiscal year 2002 (P.L. 107-206), \$15 million was appropriated for bus security measures intended to address similar security-related purposes as identified in S. 929. Additionally, \$10 million was included in the fiscal year 2003 Omnibus Appropriations Resolution, H.J. Res. 2 (P.L. 108-7) for the same purpose.

LEGISLATIVE HISTORY

During the 107th Congress, Senator Cleland introduced S. 1739, which would have established a similar grant program within the Department of Transportation (DOT). The bill was reported favor-

ably on August 1, 2002, but failed to receive consideration by the full Senate prior to adjournment of the 107th Congress.

Senator McCain introduced S. 929 on April 28, 2003. The bill is cosponsored by Senators Hollings, Hutchison, Breaux, Lautenberg, Smith, Feinstein, Leahy, and Snowe. During Committee consideration of S. 929, the Committee adopted an amendment that recognized Senator Cleland's role in the legislation. The amendment also places responsibility for the grant program with the Department of Homeland Security (DHS), instead of the DOT, since transportation security is now vested with DHS. Both DOT and DHS agree that it is appropriate for the grant program to be administered by DHS.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 929—Max Cleland Over-the-Road Bus Security and Safety Act of 2003

Summary: S. 929 would authorize the Secretary of Homeland Security to provide grants to operators of over-the-road buses for improving the security of buses and bus terminals. (Over-the-road buses are characterized by an elevated passenger deck above a baggage compartment.) For these grants, the bill would authorize the appropriation of \$25 million for fiscal year 2003 and \$99 million for fiscal year 2004.

CBO estimates that implementing S. 929 would cost \$124 million over the 2003–2008 period, assuming appropriation of the authorized amounts. Enacting S. 929 would not affect direct spending or revenues.

S. 929 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 929 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation). For this estimate, CBO assumes that S. 929 will be enacted in fiscal year 2003, and that the authorized amounts will be appropriated each year. We assume funds authorized for 2003 will be provided in a supplemental appropriation. Estimates of outlays are based on information from the Federal Transit Administration and historical spending patterns of similar programs.

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization level	25	99	0	0	0	0
Estimated outlays	1	13	43	36	26	5

Intergovernmental and private-sector impact: S. 929 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 10, 2003, CBO transmitted a cost estimate for H.R. 875, the Over-the-Road Bus Security and

Safety Act of 2003, as ordered reported by the House Committee on Transportation and Infrastructure on February 26, 2003. S. 929 is similar to the House bill; however, the House version authorized the appropriation of lower amounts, and the cost estimates reflect this difference.

Estimate prepared by: Federal costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Gregory Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

S. 929 would establish a direct grant program. The legislation would have no significant effect on the number or types of individuals and businesses regulated.

NUMBER OF PERSONS COVERED

S. 929 is intended to improve the security of over-the-road bus transportation. The number of persons covered is anticipated to include bus riders and bus employees, as well as all drivers and passengers who share the road. In addition, security personnel, security consulting services, and industries that manufacture security equipment could be impacted.

ECONOMIC IMPACT

S. 929 is intended to improve security of over-the-road buses. It should not have a negative impact on the economy of the United States.

PRIVACY

S. 929 would have an impact on privacy to some extent, consistent with other transportation security programs, including personal privacy of passengers traveling on motor coaches operated by carriers receiving grants established by the legislation.

PAPERWORK

S. 929 does not create any new reporting requirements, and any impact on paperwork would be dependent on application procedures established by the Secretary of Homeland Security.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states the bill title as the “Max Cleland Over-the-Road Bus Security and Safety Act of 2003”.

Section 2. Emergency over-the-road bus security assistance

This section would direct the Secretary of Homeland Security, acting through the Transportation Security Administration, to establish a program for making grants to private operators of over-the-road buses for system-wide security improvements to their op-

erations, including the reimbursement of extraordinary security-related costs incurred since September 11, 2001. Eligible uses include: constructing and modifying terminals, garages, facilities, and over-the-road buses to assure their security; improvements to protect or isolate the driver; upgrading, purchasing, or installing manifest or ticketing systems; hiring security officers; training employees; installing surveillance equipment; conducting employee background checks; establishing emergency communications systems; and implementing passenger screening programs. This section also would clarify that grants under this bill will adhere to the existing requirements for over-the-road bus operators under section 3038(f) of the Transportation Equity Act for the 21st Century. The Federal share will be 90 percent of the cost of the improvement for which any grant is made.

Section 3. Plan requirement

This section would require that an over-the-road bus operator submit a plan to the Secretary prior to receiving a grant. The plan must comply with the uses described within Section 2 and include any additional information the Secretary deems necessary to ensure the accountability of amounts made available through the grant program. This section also provides that an applicant for a grant for improvements at a terminal owned and operated by an entity other than the applicant must demonstrate to the Secretary that the improvements have been coordinated with the terminal's owner or operator.

Section 4. Over-the-road bus defined

This section would define an over-the-road bus as a bus characterized by an elevated passenger deck located over a baggage compartment, consistent with the definition used in the Transportation Equity Act for the 21st Century.

Section 5. Bus security assessment

This section would direct the Secretary to submit a preliminary report within 180 days of enactment to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the House Select Committee on Homeland Security. The report will include assessments of: the grant program established by the bill; actions taken by public and private entities to address security issues and recommendations on whether additional actions, including legislation, are needed; the economic impact of security upgrades on the over-the-road bus industry and its employees; ongoing and needed research on over-the-road bus security; and industry best practices to enhance security. In conducting the assessments, the Secretary is to consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

Section 6. Funding

This section would authorize \$25 million for the grant program for fiscal year 2003 and \$99 million for fiscal year 2004. The section further provides that such sums shall remain available until expended.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

