



Public Transportation and Railroad Security Assistance

Recovery Act Plan
May 15, 2009



Homeland
Security

*Federal Emergency Management
Agency Grant Programs Directorate*

Message from the Component Accountable Official

I am pleased to transmit the FEMA Public Transportation and Railroad Security Assistance program plan as required by the implementation guidance from the Office of Management and Budget. The plan was prepared by FEMA's Grant Programs Directorate, as the proponent and awarding authority for this grant program.

The *American Recovery and Reinvestment Act* provided \$150,000,000 to the Transportation Security Grant Program (TSGP) for Public Transportation Security Assistance and Railroad Security Assistance. The program is authorized by section 1406 of the *American Recovery and Reinvestment Act of 2009* (P.L. 111-5) and the *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53) (the 9/11 Act).

The funds will focus on the use of visible, unpredictable deterrence through the funding of Operational Packages for canine teams, mobile explosives detection screening teams, and Anti-terrorism teams both due to their effectiveness in reducing risk to transit systems and their potential for job creation. In addition, funding will be provided for projects submitted under the FY 2009 TSGP which were not funded.

Potential agencies eligible for the funding were first identified using a comprehensive, empirically-grounded risk analysis model. The risk methodology for the TSGP is consistent across modes and is linked to the risk methodology used to determine eligibility for the core DHS State and local grant programs.

This funding will provide relief to communities impacted by unemployment and poverty and will play a crucial role in helping to get our economy back on track and families back on their feet.

Sincerely,

Robert A. Farmer
Acting Director, Office of Policy and Program Analysis
Federal Emergency Management Agency

Executive Summary

The *American Recovery and Reinvestment Act of 2009* (ARRA) provided funding to the Transit Security Grant Program (TSGP). The law allocates \$150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L.110-53; 6 U.S.C. 1135 and 1163). These funds are intended to preserve and create jobs across the nation through projects that can be quickly implemented. Based on those considerations, the following project types are eligible:

- Hiring of transit law enforcement officers to enhance visible, unpredictable deterrence efforts in transit (e.g., K-9 teams, mobile screening teams, and Anti-Terrorism teams (ATTs))
- Related support and equipment costs for new officers/capability
- Capital projects submitted as part of the FY 2009 TSGP that were not funded.

In alignment with the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009* (P.L.110-329), awards for ARRA funding will be made directly to transit agencies. As such, transit agencies will be responsible for submitting their own applications, including the streamlined operational package cost matrix, through the *grants.gov* website by the application submission deadline discussed in this grant guidance. Additionally, recipients will be responsible for submission of all financial and programmatic reports, awarding funds to and monitoring activities of sub-recipients, to include law enforcement agencies that provide security for the transit system.



Public Transportation and Railroad Security Assistance Recovery Act Plan

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I. Legislative Requirement

This document responds to the reporting requirements set forth in the *American Recovery and Reinvestment Act of 2009* (P.L. 111-4), which states in part:

Federal Emergency Management Agency
State and Local programs

For an additional amount for grants, \$300,000,000, to be allocated as follows: (1) \$150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Public Law 110-53; 6 U.S.C. 1135 and 1163).

In addition, OMB Memorandum 09-15 provides guidance for the implementation of the American Recovery and Reinvestment Act funds.

II. Objectives

ARRA TSGP will focus on the use of visible, unpredictable deterrence through the funding of Operational Packages for canine teams, mobile explosives detection screening teams, and Anti-Terrorism teams (ATT) both due to their effectiveness in reducing risk to transit systems and their potential for job creation. In addition, funding will be provided for capital projects including Multi-User High-Density Key Infrastructure Protection, Single-User High-Density Key Infrastructure Protection, Key Operating Asset Protection, and Other Mitigation Activities.

Public Benefit:

These funds are intended to preserve and create jobs across the nation through projects that can be quickly implemented. Based on those considerations, the following project types are eligible:

- **Priority 1a Operational Packages:** Hiring of transit law enforcement officers to enhance visible, unpredictable deterrence efforts in transit (e.g., K-9 teams, mobile screening teams, and Anti-terrorism teams (ATT)). The ATT is made up of three components: A K-9 team (handler and an explosive detection canine), an overt uniformed officer, and a covert behavior detection officer (BDO).
- **Priority 1b Support and Equipment for Operational Packages:** Related support and equipment costs for new officers/capability
- **Priority 2 Shovel Ready Capital Projects for Asset Hardening:** Capital Projects including Multi-User High-Density Key Infrastructure Protection, Single-User High-Density Key Infrastructure Protection, Key Operating Asset Protection, and Other Mitigation Activities that can certifiably begin within 90 days of release of funds and will be completed within 24 months from the release of funds date. Failure to meet the 90 day requirement may result in a loss of ARRA TSGP funding for the specific project.
- **Priority 3 Other Security Projects:** Capital Projects including Multi-User High-Density Key Infrastructure Protection, Single-User High-Density Key Infrastructure Protection, Key Operating Asset Protection, and Other Mitigation Activities

III. Activities

The ARRA TSGP is authorized by section 1406 of the *American Recovery and Reinvestment Act of 2009* (P.L. 111-5) and the *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53) (the 9/11 Act).

Specific investments made in support of the funding priorities generally fall into one of three allowable cost categories:

1. Operational Activities
2. Capital projects submitted as part of the FY 2009 TSGP not previously funded
3. Management and Administration

The 9/11 Act limits how funds can be used for certain operating projects, especially those projects which include operational costs associated with security and counterterrorism duties. Not more than 30 percent of the funds appropriated for this grant program in FY 2009 may be used for “operating uses” as outlined in section 1406(b)(2) of the 9/11 Act which includes security training, exercises, public awareness campaigns, canine patrols, development of security plans, overtime reimbursement, and operational costs associated with security or counterterrorism duties. Further, within the “operational costs” subcategory of “operating uses,” which includes reimbursement of State, local, and tribal governments for costs for personnel assigned to full-time or part-time security or counterterrorism duties related to public transportation, there is a limitation that grant funding used for this expense cannot total more than 10 percent of the total grant funds received by a public transportation agency in any one year¹. Projects funded under the ARRA TSGP must be consistent with the limitations imposed by the 9/11 Act.

IV. Characteristics

- These funds will be awarded in the form of grants and cooperative agreements
 - They are Project Grants (Code B)
- FEMA will employ the existing risk-based methodology for Transit Security Grants
- Consistent with the FY2009 process, awards will be made directly to transit agencies

V. Delivery Schedule

Delivery Schedule for the TSGP grant under ARRA:

- February 17 – May 20, 2009: FEMA/GPD, in partnership with TSA, reach out to stakeholders to solicit input on how the programs should be structured. This outreach portion is a key component of Secretary Napolitano’s strategy for integrating our state and local partners into DHS processes. In addition, FEMA must develop the guidance in collaboration with our partners and ensure that all relevant statutory requirements are

¹ 9/11 Act (Public Law 110-53), Section 1406(b)(2)(G)

met. FEMA/GPD will include the exploration of construction as a prioritized allowable cost, in accordance with conference language;

- May 21 – June 15, 2009: Release of guidance package with TSGP guidelines. TSGP has two deadlines: June 1st for personnel costs, and June 15th for capital projects;
- June 16, 2009 – August 31, 2009: Receipt of applications and expedited local and national review process;
- October 15, 2009 – December 31, 2009: Allocations announced and awards processed on a rolling basis. Please note that from mid-September to mid-October, all financial systems within DHS must be shut down to reconcile obligations. As well, OMB must reappportion grant monies back to FEMA after the first of the fiscal year, so this will cause delays in grant awards.

VI. Environmental Review Compliance and Federal Infrastructure Investments

Each eligible application received under the Transit Security Grant Program will be reviewed for compliance with the National Environmental Policy Act and the National Historic Preservation Act, among other requirements prior to the application approval and release of grant funds. Grant Program guidance to be released for the FY 2009 ARRA TSGP will notify potential applicants that FEMA will need detailed project information with regard to these requirements, particularly for construction projects. Where potential grantees may need to incur costs to provide detailed information regarding these requirements, planning funds may be released to fund the information gathering.

Consultation may be required with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for protecting natural and cultural resources. For projects with the potential to have significant adverse effects on the environment and/or historic properties, the compliance process may result in an agreement between the involved parties outlining how the grantee will avoid, minimize, or, if necessary, mitigate the effects. Failure of a grant recipient to meet these requirements may jeopardize Federal funding.

ARRA also added additional reporting requirements for environmental compliance and sustainability. The two excel spreadsheets will be added to the applicable grant guidance, and grantees will be required to complete the information before funds can be expended.

ARRA ENVIRONMENTAL COMPLIANCE

| | <i>Project Data</i> | | | | |
|--|---------------------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 |
| PROJECT NAME | | | | | |
| ARRA Unique ID Number | | | | | |
| Project Objective | | | | | |
| Project Description | | | | | |
| ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL (EPEAT) | | | | | |
| Bronze | | | | | |
| Silver | | | | | |
| Gold | | | | | |
| Non EPEAT purchases where EPEAT products were available | | | | | |
| ENERGY STAR PRODUCTS | | | | | |
| Quantity | | | | | |
| Costs | | | | | |
| Non Energy Star purchases where Energy Star products were available (Quantity) | | | | | |
| Non Energy Star purchases where Energy Star products were available (Costs) | | | | | |
| FEMP LABELED/APPROVED PRODUCTS | | | | | |
| Quantity | | | | | |
| Costs | | | | | |
| Non FEMP purchases where FEMP products were available (Quantity) | | | | | |
| Non FEMP purchases where FEMP products were available (Costs) | | | | | |
| GREEN PURCHASING | | | | | |
| Recycled content products | | | | | |
| USDA designated biobased products | | | | | |
| Alternative fuels | | | | | |
| Environmentally Preferable | | | | | |

| | | | | | |
|--------------------------------------|--|--|--|--|--|
| Products | | | | | |
| Hybrid and alternative fuel vehicles | | | | | |
| Non-ozone depleting substances | | | | | |
| Renewable Energy | | | | | |

Requirement Met (explain how) Certified
 Requirement Met (explain how) Silver
 Requirement Not Met (explain why) Gold
 Requirement Not Met (explain why) Platinum

ARRA SUSTAINABLE

| | <i>Project Data</i> | | | | |
|--|-----------------------------------|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| PROJECT NAME | | | | | |
| ARRA Unique ID Number | | | | | |
| Project Objective | | | | | |
| Project Description | | | | | |
| SUSTAINABILITY REQUIREMENTS- apply to all construction, renovations, and leases | | | | | |
| Employ Integrated Design Principles | Requirement Not Met (explain why) | | | | |
| Optimize Energy Performance | Requirement Met (explain how) | | | | |
| Protect and Conserve Water | Requirement Met (explain how) | | | | |
| Enhance Indoor Environmental Quality | Requirement Met (explain how) | | | | |
| Reduce Environmental Impact of Materials | Requirement Met (explain how) | | | | |
| ENERGY REQUIREMENTS- apply to all construction and renovations | | | | | |

| | | | | | |
|---|----------------------------------|--|--|--|--|
| Energy Efficient Buildings | Requirement Met (explain how) | | | | |
| Energy Efficient Capital Equipment | | | | | |
| Metering | | | | | |
| Solar Hot Water | | | | | |
| LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) | | | | | |
| Registration goal | | | | | |
| Registration attained | | | | | |
| LEED POINTS EARNED | | | | | |
| LEED points goal | | | | | |
| LEED points attained | | | | | |
| Site credits | | | | | |
| Indoor Air Quality | | | | | |
| Materials | | | | | |
| Water | | | | | |
| Energy | | | | | |
| Innovation | | | | | |

VII. Measures

GPD will continue to use the same performance measures for the ARRA-Transit Security Grant Program and the ARRA-Port Security Grant Program funding as we have been using for the Transportation Security Grant Program and the Port Security Grant Program. The results of these measures are reported on a quarterly basis to the Department of Homeland Security (DHS) through DHS' Future Year Homeland Security Program (FHYSF). In addition, these programs were evaluated through the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) based on GPRA in 2006. At that time, these programs scored *Results Not Demonstrated*; however, GPD had just begun to collect the data for these specific measures in late 2005. Results are demonstrated on the ExpectMore.gov website (www.expectmore.gov) for the public. In addition, the Annual Performance Report published by DHS demonstrates performance measure results and is available to the public on the DHS website (www.dhs.gov).

| ARRA – Transit Security Grant Program and Port Security Grant Program Performance Measures | | |
|--|-------------|--|
| Measure #1 | Measure | Number of complete Operational Packages constituted with ARRA funds. |
| | Description | This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Supporting data is derived from grant close-out reports that are submitted to the Grants Management System or the Grant Reporting Tool. |

| | | |
|------------|-----------------------------|---|
| | Data Collection Methodology | GPD reviews and approves all close-out reports. Analysis of the timeliness of the close out report in relation to the grant period end date is then captured and reported. |
| Measure #2 | Measure | Number of complete Operational Packages hired with ARRA funds constituted and engaged in security patrols in Tier 1 UASI Metropolitan Statistical Areas. |
| | Description | This data set consists of all project information submitted during the application process. Analysis of the project as either an individual project or pertaining and supported by a regional efforts determined by the scope of the project. |
| | Data Collection Methodology | All proposed project application materials are reviewed by GPD. An analysis is performed that establishes a project as regional in nature and a tabulation of those projects is then recorded and reported. |
| Measure #3 | Measure | Number of Operational Deterrence projects completed. |
| | Description | This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Analysis of the risk mitigation provided is established by the approval of the individual projects by DHS prior to performance of project. |
| | Data Collection Methodology | GPD reviews all close-out reports and on-site monitoring reports. Analysis of the types of project completed and the sum of all completed projects is then captured and reported. |
| Measure #4 | Measure | Percent of grants for which a closeout report was received within 3 months of the end of the grant period. |
| | Description | Supporting data is derived from grant close-out reports that are submitted to the Grants Management System or the Grant Reporting Tool. |
| | Data Collection Methodology | GPD reviews and approves all close-out reports. Analysis of the timeliness of the close-out report in relation to the grant period end date is then captured and reported. |
| Measure #5 | Measure | Number of Vehicle/vessel security enhancement projects completed. |
| | Description | This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Analysis of the risk mitigation provided is established by the approval of the individual projects by DHS prior to performance of project. |
| | Data Collection Methodology | GPD reviews all close-out reports and on site monitoring reports. Analysis of the types of project completed and the sum of all completed projects is then captured and reported. |

VIII. Monitoring/Evaluation

As the Transit Security Grant Program is an existing GPD grant program, FEMA will follow the monitoring protocols as currently prescribed for the program. This includes site visits to the transit systems to ensure compliance with programmatic goals. Each grantee is assigned a FEMA Program Analyst to work as the direct liaison and assist with any issues that arise.

The application process provides for detailed budget reviews to ensure that projects and equipment are allowable, as well as the Environmental and Historic Preservation (EHP) review, if applicable.

Grantees submit quarterly financial status reports (SF269s), as well as the semi-annual progress reports through the Grants Reporting Tool (GRT). This system captures progress against the projects that are funded.

IX. Transparency

FEMA will continue to collect both programmatic and financial information via the standard financial status report and the quarterly progress report that is located in FEMA's Grants Reporting Tool (GRT).

X. Accountability

FEMA Grant Programs Directorate will be directly responsible for the timely application and obligation of these funds.

Our specific plans to meet the following objectives are as follows:

- Funds Obligated Timely: FEMA plans to obligate 100% of the grant funds to recipients by the end of the first quarter of FY 10;
- Funds Expended Timely: FEMA will work with all transit recipients to ensure a 100% expenditure rate within the 36-month performance period of the grant;
- Competitive Opportunities Maximized: FEMA will compete 100% of the TSGP grant dollars;
- Undelivered Orders Minimized: N/A

XI. Barriers to Effective Implementation

There are no anticipated barriers to effective implementation, although FEMA GPD is concerned about the inability to collect some of the subgrantee data requested in the ARRA legislation. FEMA is working to develop enhancements to the reporting tool to correct this problem. The Transit Security Grant Program is an existing program within FEMA's Grant Programs Directorate, and the ARRA funding will utilize the existing framework to deliver grant guidance and make awards. The Transportation Security Administration is a full partner in this effort, and will support FEMA as the subject matter expert.