



FEMA/TSA

FEMA GRANT PROGRAMS DIRECTORATE

TSA MASS TRANSIT AND PASSENGER RAIL SECURITY

Transit Security Grant Program (TSGP) Stakeholder Input: FY 2011 TSGP Look Ahead FFY 2010 TSGP Look Back

Urban Areas Security Initiative Conference, New Orleans, LA

TSGP After Action Conference, New York, NY

TSGP After Action Conference, Los Angeles, CA

Transit Security Roundtable, Boston, MA

August 2010



Background and Purpose

- The purpose of this document is to present stakeholder feedback received on the proposed FY 2011 Transit Security Grant Program (TSGP) methodology, and the FY 2010 TSGP process. In the creation of this document, all attempts were made to preserve the spirit of stakeholder feedback.
- To receive feedback effectively and efficiently on improvements to the TSGP process, multiple forums were used to maximize stakeholder participation:
 - Conference calls
 - TSGP After Action Conferences (AAC) in New York City and Los Angeles
 - National UASI conference in New Orleans
 - Transit Security Roundtable in Boston
 - Regional Transit Security Working Group (RTSWG) meetings
- While the primary purpose of these meetings was to solicit feedback, several other questions were also addressed
 - This document contains highlights of those Q&As
 - A separate document with all of the Q&As has also been developed

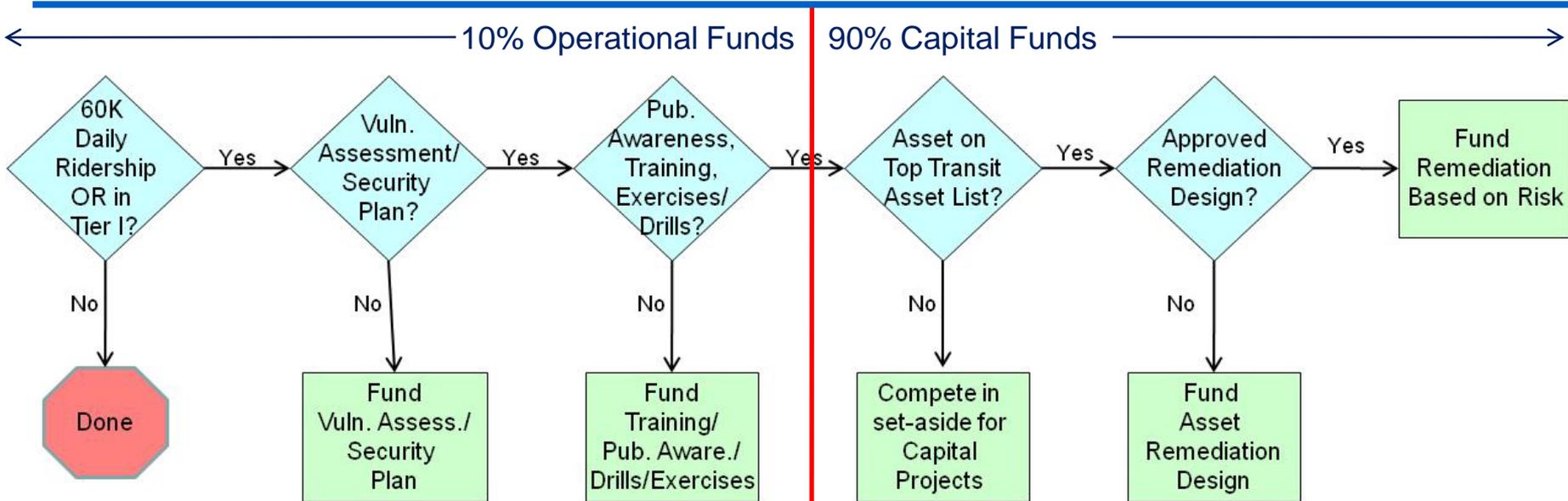


FY 2011 TSGP PROPOSED METHODOLOGY AND FEEDBACK

FY 2011 TSGP Methodology: Proposed Changes

- Part of stakeholder outreach effort included discussing the proposed methodology for the FY 2011 TSGP
- Feedback and recommendations were sought as the process moved towards the next grant cycle
- The following slides outline the proposed methodology, the major proposed changes, and stakeholder feedback on those changes

Proposed Framework for FY 2011 TSGP Guidance



OPack Eligibility Check List	
Does your agency...	Yes/No
Meet the standards for having a vulnerability assessment and security plan?	
Meet the standards for training?	
Meet the standards for conducting drills and exercises?	
Meet the standards for having a public awareness campaign?	
Have a dedicated transit police force, or law enforcement provider, with at least 100 authorized sworn positions dedicated to transit security?	
<p>If you answered "Yes" to all of the items above, your agency is eligible to apply for OPacks.</p> <p>If you answered "No" to any of the items above, then you are not eligible for OPacks this grants cycle.</p>	



Impact of Proposed Changes

Proposed Change	Limit eligibility for FY 2011 TSGP funding to transit agencies with over 60,000 daily unlinked passenger trips or who were previously in a Tier I or Tier II region
Rationale	<ul style="list-style-type: none">• TSGP is required to award funding based on risk• Maximizes funding opportunities for highest risk agencies in the highest risk regions
Impact	<ul style="list-style-type: none">• Targeting funding to highest risk assets and regions maximizes security benefit
Feedback	<ul style="list-style-type: none">• Updated eligibility focuses program on areas with known risks• Agencies do not share assets, so regional buy-in for capital projects will be tough• Combination of risk based funding and RTSWG collaboration made program strong• Reducing number of eligible transit agencies would increase vulnerabilities in smaller cities as remediation is focused only on larger ones

Impact of Proposed Changes

Proposed Change	Replace tiered structure and regional target allocations
Rationale	<ul style="list-style-type: none">• Focuses program on highest risk assets and regions• Reduces piecemeal funding for highest value security projects
Impact	<ul style="list-style-type: none">• Introduces competitive funding into the current Tier I regions; eligible agencies would compete for the same funding
Feedback	<ul style="list-style-type: none">• Regional Transit Security Working Group (RTSWG) could become less significant• More challenging for previous Tier II agencies to receive funding• Making Top Transit Assets a top TSGP project effectiveness group maintains significance of RTSWG• The proposed methodology will eliminate regional collaboration and the years of work it has taken to get to this point• Set aside funds from the competitive process for a mini Tier I/Tier II structure with smaller target allocations, to help preserve regional collaboration

Impact of Proposed Changes

Proposed Change	Develop Top Transit Asset List and prioritize funding for remediation of top assets
Rationale	<ul style="list-style-type: none">• Top transit asset list determined to be the highest risk transit assets• Assets consist primarily of multi-agency high volume stations, underwater tunnels, and bridges• By prioritizing these projects it will be easier to remediate vulnerabilities to these specific assets
Impact	<ul style="list-style-type: none">• About eight agencies will have assets in the Top Transit Asset List, requiring all other agencies to compete for set-aside amount
Feedback	<ul style="list-style-type: none">• Increased national security• All top transit asset projects will be cooperative agreements making the projects flexible• Grants will be awarded with EHP and design approvals already in place• More challenging for agencies with assets on the list to handle the significant increase in funding• Asset risk levels will never be zero – how to define “fully remediate”?• Projects will take longer than 5 years to complete, but the grant is only available for 5 years• Requests from TSA for stakeholder input regarding Top Transit Asset List were unclear• Agencies with an asset on the Top Transit Asset List are less likely to perform yearly security upgrades to the asset• This is making a significant change to an already effective program - why change?• Threat is regional, so the division by a system/asset does not make sense

Impact of Proposed Changes

Proposed Change	Agencies with assets on the Top Transit Asset List must have a funded and approved design before they can receive funds for actual implementation
Rationale	<ul style="list-style-type: none">• Many assets on list do not have approved “shovel ready” designs.• A full cost and remediation design will allow for better future resource planning (costs and schedules) and quicker EHP assessment/approval
Impact	<ul style="list-style-type: none">• Design projects may be the only projects funded for agencies that have an asset on the Top Transit Asset List if none of them currently have full remediation designs• Increased federal input into capital project designs
Feedback	<ul style="list-style-type: none">• Designs for all agencies and their assets should be funded nationally rather than only those on the Top Transit Asset List – funding designs for all agencies allows a national baseline cost for remediation• Paradigm shift between federal and local control – government is telling agencies how to spend funds• Designs by themselves do not show progress, increase capability or reduce risk• It is difficult for agencies to get design-only projects approved by their boards without any guarantee of funding/commitment for the actual remediation• A full design/build is the preferred approach in the engineering community; splitting design from implementation is counter to that proven approach• Set up multi-year awards based on design/build practice – award design funding first, and “set aside” estimated build costs to be awarded after design is complete (<i>would require multi-year grant structure vs. single-year as is currently the case</i>)

Impact of Proposed Changes

Proposed Change	Establish a set-aside for capital projects for agencies not included on the Top Transit Asset List
Rationale	<ul style="list-style-type: none">• Allows eligible grantees to receive funds for capital projects if they do not have an asset on the Top Transit Asset List
Impact	<ul style="list-style-type: none">• Previous Tier I and Tier II agencies would compete against one another for capital projects in the same pool of funds
Feedback	<ul style="list-style-type: none">• Proposed methodology will eliminate regional collaboration and the years of work it has taken to get to this point• Challenging for Tier II agencies to receive funding because of risk factors when competing against historically Tier I agencies• Agencies will stop applying if they feel they have no chance of receiving funding• “Set Aside” must have sufficient funding to make it worthwhile for agencies to apply• Increased competition for funding will result in lack of regional cooperation and reduce effectiveness of RTSWG• Keep the Tiered structure (“Status Quo”) but make remediation designs/plans for the top assets the top priority for funding

Impact of Proposed Changes

Proposed Change	Establish appropriate capability levels for training, drills, exercises, and public awareness prior to eligibility for capital projects
Rationale	<ul style="list-style-type: none">• Applies consistent security value across agencies for operational activities• Consistent with Section 1406 of the 9/11 Act
Impact	<ul style="list-style-type: none">• Some agencies may need to apply for operational funding to address minimum capability levels prior to becoming eligible for capital projects
Feedback	<ul style="list-style-type: none">• Avoid using the term “standards,” due to regulatory or statutory implication, guidelines may be more appropriate• Look to NIMS training guidelines for options on training capability level• Reuse existing industry standards and thresholds, such as requirements for UASI National Emergency Communications Plan or results of APTA standards committees• Avoid imposing new standards which could have resource implications for agencies to meet them

Impact of Proposed Changes

Proposed Change	Open OPack eligibility to agencies with a dedicated transit police force, or law enforcement provider, with at least 100 authorized sworn positions dedicated to transit security
Rationale	<ul style="list-style-type: none">• Focuses OPacks on highest risk agencies• Consistent with eligibility requirements for ARRA grant cycle, based on industry feedback on force size and sustainment
Impact	<ul style="list-style-type: none">• Decreases ridership requirement from FY 2010 program; extends eligibility to some current Tier II agencies• Requirement for 100 authorized sworn officers limits eligibility for some agencies
Feedback	<ul style="list-style-type: none">• Allow minimum officer requirement to apply regionally, and fund OPacks regionally• Establishing 100 dedicated officers is difficult for smaller agencies – consider a lower threshold if agencies can prove sustainment• Expand eligibility to agencies that contract their security• Consider a ratio of, for example, dedicated transit security hours vs. full-time officers, rather than a specific number of officers• Allow flexibility to include officers with dedicated part-time transit hours in calculation of minimum officer requirement

FY 2010 TSGP FEEDBACK AND RECOMMENDATIONS

FY 2010 TSGP Stakeholder Feedback/Recommendations

- Modify the process for requesting/approving period of performance extension requests
 - Allow one-year extensions more regularly
 - Allow extensions to be requested more than 90 days ahead of time
- Provide the State Administrative Agencies (SAAs) an automatic extension for the full 5-year period of performance
 - Allows SAAs to determine on a case-by-case basis which sub-grantees would receive an extension, decreasing the time it takes for sub-grantees to be notified of extensions
- Update the Authorized Equipment List (AEL) more frequently to reflect emerging technology, and/or advise agencies of the last time it was updated so they can plan accordingly
- Allow agencies additional time for grant application period (currently have 45 days)

FY 2010 TSGP Stakeholder Feedback/Recommendations

- Include direct internal labor as an eligible cost, as it is an enormous burden on agency budgets and workload
 - Currently, agencies have to rely on state funds to pay staff costs
 - Agencies cannot bill a project until they have a guaranteed funding stream, which creates a cash flow issue
 - Internal agency costs, not security value may drive some application decisions
 - Other federal grants come with allowable staff costs beyond M&A costs

- 10% limitation on funding for Operational Activities for FY 2011
 - It does not make sense that Operational Activities are in the highest Project Effectiveness Group, but funding is limited to 10%
 - The economy was in a different condition during the passage of the 9/11 Act, and this amount/percentage of funding is not sufficient
 - Operational activities are highly effective; by decreasing the percentage, it reduces the likelihood that many agencies will receive this type of funding
 - Most of the funding for these activities will likely go to larger agencies in high risk regions, displacing threat to other agencies that are unable to receive this funding

FY 2010 TSGP Stakeholder Feedback/Recommendations

- Operational Packages (OPacks) and operational activities
 - Fund OPacks regionally
 - Allow “surge support” funding for known, one-time, special events that come with increased security risks (e.g. hosting the Super Bowl)
 - Allow agencies to apply for operational activities on overtime (e.g., directed train patrols) rather than requiring them to hire new officers
 - Allow Tier II agencies to be eligible for OPacks
 - For the proposed FY 2011 TSGP process, revisit/adjust 100 officers requirement to a number more appropriate for different transit agencies that can prove/attest to sustainability
 - Consider allowing contract security eligible for operational activity/OPack funding

FY 2010 TSGP Stakeholder Feedback/Recommendations

- Include sample budgets for both capital and operational projects in FY 2011 guidance and application kit
- Include a direct link in the Grant Guidance to a list of the approved training courses
- Clarify use of grant funds for maintenance and sustainment projects in the grant guidance
- Improve stakeholder outreach to include webinars
 - The in-person conferences are very useful, but not all agencies are able to participate due to scheduling and resource constraints
 - Webinars maximize opportunity to see DHS representatives and presentations “in person”

FY 2010 TSGP Stakeholder Feedback/Recommendations

- Scoring Process:
 - The National Review Panel (NRP) should take the Baseline Assessment and Security Enhancement (BASE) into consideration
 - Consider a way to balance national priorities (e.g., the Project Effectiveness Groups) with local priorities in the scoring/ranking process
 - Consider using the Regional Transit Security Strategy as part of the scoring process
 - Change or modify the definition of “sustainability” in the scoring criteria to accommodate the changing economy
 - Include a ranking or additional scoring consideration for agencies that continue to effectively collaborate with their partners under the proposed FY 2011 TSGP methodology
 - Adjust categorization of maintenance and sustainment (M&S) projects
 - Score M&S projects in the same Project Effectiveness Group as the original equipment; or
 - Add a scoring option to distinguish between new vs. existing capabilities, as M&S should not be ranked as high as the original equipment



SUMMARY OF ADDITIONAL QUESTIONS AND ANSWERS

Application Requirements and Allowable Use of Funds

Q. Regarding the repair, replacement costs, and upgrades of equipment, what is recommended for equipment that may be technically outdated?

A. The cost of repair and replacement parts for equipment purchased using FEMA preparedness grant funding, including TSGP, is an allowable expense. Repair and replacement parts may only be purchased for equipment that has been purchased using previous TSGP funding. TSGP funding may also be used to upgrade previously purchased allowable equipment. Upgrades may only be purchased for equipment that has been purchased using previous TSGP funding.

Q. Can the maintenance contract exceed the period of performance?

A. Yes, the contract may exceed the period of performance; however, the funds still must be spent within the period of performance.

Application Requirements and Allowable Use of Funds cont'd

Q. How often is the Authorized Equipment List (AEL) updated? We do not always see the equipment we would like to purchase listed.

A. The AEL is updated twice a year, so some technology not on the list may still be eligible. While the intent may be to find a specific category, some equipment should be categorized by a higher level definition, e.g. remote disabling can fall under a higher-level category for bus hardening. In this case, use the broader definition category number for reference.

Q. What is the limit on Operational Costs?

A. The limitation on spending for Operational Costs specified by the 9/11 Act was 20% of total national TSGP funding for FY 2010, but that will decrease to 10% for FY 2011. As funding for Operational Costs has typically been around 20%, this will likely significantly affect future funding.



Funding Priorities and Scoring

Q. Can the Baseline Assessment and Security Enhancement (BASE) assessment be taken into consideration when the National Review Panel (NRP) scores a project?

A. While the BASE assessment is sufficient for the Vulnerability Assessment/Security Plan (VA/SP) requirement and is a valuable tool, it is not required. Therefore, not all eligible agencies may have undergone a BASE assessment. However, in cases where an agency has had a BASE assessment, they are encouraged to reference it in their application, and describe how the projects they are applying for address issues in their BASE. Inclusion of this information may assist the NRP in evaluating an application, but does not factor directly into project scoring.

Q. Can there be some fluidity with priorities? Risk is not static and special events come with special operational expenses

A. The rules are based on each year's authorization and appropriations, and reprogramming funds for operational expenses for special events/circumstances has been allowed recently, but with operational expenses there are limits imposed per the 9/11 Act.



Funding Priorities and Scoring (con't)

Q. Where does Maintenance and Sustainment (M&S) fit into the Project Effectiveness Groups (PEGs)? Is there a distinction between M&S for New Capabilities vs. Existing, and should they fall under the same PEG as the original project?

A. For the FY 2010 process, M&S was considered as part of the lowest PEG. A number of stakeholders provided feedback suggesting that it should be higher, either as part of the PEG of the “original” project, or at least higher than automatically being in the lowest PEG. Different scoring options are being considered for M&S for the FY 2011 cycle based on your feedback, so please continue to send your thoughts to FEMA and TSA.

Q. Why are projects ranked on timelines when they are required with the applications anyways?

A. The review looks at how well planned the project is, so maybe the wording is off. “Work planning” or “time management” may convey this better.



Drawdown and Post Award Implementation

Q. Previously, we received a lot of IJ feedback, but didn't get a lot this year. What does this mean?

A. Overall, the IJs were better this year because agencies paid attention to the feedback they received in previous years. Unfortunately, with less funding and more applications, sometimes worthy applications could not be funded.

Q. For a previous award, we couldn't get the award until we went through the complete review process, but then learned that planned costs were not eligible for reimbursement.

A. Now that it is a direct award, as long as the costs are in your approved budget up front, you should not have this issue. This year it is planned for applications to go through FEMA's new ND (non-disaster) Grants system. You should receive notices on training for using the system.

Proposed FY 2011 TSGP Methodology

Q. How did TSA arrive at the Top Transit Asset List?

A. In addition to intelligence gathering (current threats as well as threats that have been present in the past), TSA drafted the Top Transit Asset List by looking at the highest-risk regions, and the highest criticality-type assets within those regions (bridges, underwater tunnels, and multi-modal high-density stations). These assets were then analyzed with a criticality tool, which takes into account current threats, vulnerabilities, and consequences. Government and industry stakeholders have also participated in the process.

Q. What is the competitive “Set Aside”, and can that be called something else?

A. The set aside exists to ensure that there is funding for Capital projects for all other eligible agencies that do not have an asset on the Top Transit Asset List. We are open to changing the wording from “Set Aside” to something else, and would welcome your ideas on what to call this.

Proposed FY 2011 TSGP Methodology (con't)

Q. Do you have to qualify for the first 10% operational funding category (VA/SP, training, drills/exercises, and public awareness) in order to be able to compete for the 90% capital funding category?

A. Yes.

Q. Are agencies without 100 officers still eligible to apply for Capital Projects?

A. Yes.

Q. Can an agency who owns more than one asset combine them into one project?

A. Yes, that is something we would consider.

Q. Will there be major changes to the current risk formula?

A. FEMA is looking at the risk formulas for State Homeland Security Program (SHSP) and the Urban Areas Security Initiative (UASI), which will possibly have a downstream effect on TSGP.

OPacks

Q. For OPack eligibility in the proposed FY 2011 model, how was the 100 Sworn Officer numbers derived, and is there flexibility in that number?

A. There is flexibility, and feedback on an appropriate number or amount is greatly welcomed. The number 100 was used in the ARRA based on industry feedback as the amount that could be easily absorbed by the existing force, but we would consider using a figure based on percentage of ridership or some other criteria instead.

Q. If an agency has less than 100 dedicated officers who can be absorbed by a regional police force, are they eligible to apply for OPacks?

A. We would be open to considering their request as long as they can prove sustainability.

OPacks

- Q. Currently, contract security is not an eligible expense for OPacks. Is this something that may become eligible, and if so, do the 100 sworn officers (or whatever number it is) have to be full time transit officers? For example, an officer may be full time, but only dedicate part-time hours per week on Transit systems.**
- A. TSA and FEMA are open to all feedback on the number of sworn officers, contract vs. sworn officers, and any other changes in this matter. Given the economy and availability of budget/officers, overtime (instead of hiring more officers) may also be an option.**