

# Surface Transportation Security Advisory Committee (STSAC)



## Meeting Minutes

July 30, 2020



### Meeting Summary

The fifth meeting of the Surface Transportation Security Advisory Committee (STSAC) was conducted virtually using a Cisco WebEx audio-only conference line due to the novel coronavirus virus (COVID-19) pandemic. The meeting was closed to the public. The agenda and briefing-deck were provided to participants in advance of the meeting.

The meeting focused on subcommittee co-chair reports discussing the progress of the work being done to address the three priorities provided in the Transportation Security Administration (TSA) Administrator's tasking letter of April 8, 2020—cybersecurity information sharing, addressing insider threat and two additional Committee areas of focus—security risk and intelligence and emergency management and resiliency.

### Call to Order

STSAC Designated Federal Officer (DFO) Judith Haroun-Lord called the meeting to order at 1:03 p.m., proceeded with a roll-call of the Committee members, and announced a quorum of members present. Additional participants were asked to email their name and organization to [STSAC@tsa.dhs.gov](mailto:STSAC@tsa.dhs.gov) for an accurate record of attendance. The Call to Order included a brief explanation of the audio-only rules of engagement and recommendations for the optimal user experience.

### STSAC Executive Sponsor Introductory Remarks

STSAC Executive Sponsor and Policy, Plans, and Engagement (PPE) Deputy Assistant Administrator Victoria Newhouse provided introductory remarks.

Ms. Newhouse opened her remarks with a special thanks to DFO Harroun-Lord for taking on the STSAC DFO responsibilities from former DFO Henry Budhram, Jr. who has transferred to another position within TSA.

A special thank you was extended to Operations Support Executive Assistant Administrator (EAA) Stacey Fitzmaurice, PPE Assistant Administrator (AA) Eddie Mayenschein, Surface Security Operations AA Sonya Proctor, PPE Surface Policy Executive Director Scott Gorton, Committee Chair Tom Farmer, Committee Vice Chair Polly Hanson, Committee members, and all the government and industry partners. Ms. Newhouse also welcomed the Chair and Vice Chair of the Aviation Security Advisory Committee (ASAC)—Mr. Steve Alterman and Mr. Christopher Bidwell.

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Ms. Newhouse noted that there are some requirements in the STSAC Bylaws regarding member communications with the public pertaining to the STSAC, and will work with the STSAC Chair and Vice-Chair to ensure the responsibilities and requirements are clear.

### **Operations Support Executive Assistant Administrator Introductory Remarks**

EAA Stacey Fitzmaurice continued the introductory remarks by thanking Committee members for their commitment to the STSAC even during these challenging times dealing with COVID-19. She also thanked each of the subcommittees and looked forward to the briefs.

She recognized the resoluteness and dedication of all surface transportation professionals who have tirelessly worked to keep things going, noting the extraordinary effort taken to overcome COVID-19 as well as civil unrest and recent natural disasters. Ms. Fitzmaurice offered her sincere condolences for all the surface transportation workers who have lost their lives during the COVID-19 pandemic.

Ms. Fitzmaurice noted some of the actions TSA has taken to reduce the burden on surface transportation during these difficult times. These accomplishments included publishing temporary exemptions for Hazardous Material Endorsements and Transportation Worker Identification Credentials (TWIC®) that would have otherwise expired and extending the effective date of the TSA Security Training for Surface Transportation Employees Final Rule to September 21, 2020, with December 21, 2020, as the deadline for security program submission. Additional extensions are being considered. Industry interest and questions remain about delaying the rule even further, and TSA continues to evaluate that possibility. Ms. Fitzmaurice asked Committee members who have concerns about the effective date and dates for meeting specific requirements within the final rule to share their input through the Surface Policy office. She thanked everyone who educated people about this requirement, which has included three webinars to date with another one scheduled in the future.

TSA collaborated closely with the Department of Transportation (DOT) and Cybersecurity and Infrastructure Security Agency (CISA) to secure and distribute over fifteen million cloth face coverings for the sector. Ms. Fitzmaurice recognized this as a good sector-partnership model for improving safety and security. She expressed her appreciation of the work undertaken by industry and other federal partners to address challenges and improve security posture against current and future threats.

Ms. Fitzmaurice thanked the Committee for their participation and help in shaping the Administrator's Intent 2.0, which recognizes the importance of surface transportation security through Strategic Goal 1.5—Promote security partnerships across surface transportation.

She concluded her remarks by congratulating Deputy Chief Lisa Shahade on her retirement after 33 years of law enforcement service and Mr. Ed Bruce, who is leaving the law enforcement community after nine years to take another position. Their contributions have proven integral not only to the STSAC but also to surface transportation security.

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### **STSAC Chair and Vice Chair Opening Remarks**

Chair Farmer opened by expressing his appreciation on multiple fronts, echoing the previous remarks of Ms. Newhouse and Ms. Fitzmaurice. He highlighted the professional, well prepared webinars on the Security Training Rule, giving a special thanks to TSA employees—Vic Parker, Harry Schultz, Gary Click, and David Kasminoff for their continuing work. He recognized Mr. Jack Crawley, the American Public Transportation Association (APTA) intern, whose work in pulling together the day’s briefings was invaluable and greatly reduced the burden on the members dealing with a range of demands from COVID-19 to civil unrest to hurricane preparations.

Chair Farmer recognized the Committee members in both industry and government, especially the subcommittee members who have been diligently committed to meeting their team goals—noting the sacrifices, the high-level of work, number of webinars, and time spent over weekends and late nights.

Vice Chair Hanson recalled the first STSAC meeting held on July 11, 2019. She recognized how the STSAC brought together a diverse group with a wide range of experience and expertise. She has been consistently impressed with how everyone really got to work to look at how to provide recommendations. APTA hosted the second meeting in October for “storming and norming.” Next, everyone gathered at the American Gas Association for the third meeting in January to hear about the Administrator’s taskings. The world changed in March with COVID-19. Consequently, the STSAC had its first virtual meeting in April—the fourth Committee meeting—moving forward with the establishment of four subcommittees. The Committee members continued to work on these security issues despite the industry challenges posed by the pandemic and the need to respond to crises ranging from severe weather events to protests over Mr. Floyd’s death.

Vice Chair Hanson recognized departing members—former DFO Mr. Budhram, for laying the foundation and defining the roles for the Committee, and Committee Member Deputy Chief Lisa Shahade, a second generation railroader. She expressed her deep appreciation and sincere thanks for everyone’s hard work and looked forward to what will be accomplished in the upcoming year. On behalf of the Chair and Vice Chair, an email of deep appreciation was sent to all the subcommittee members, and she is eagerly waiting their presentations today.

### **Unclassified Threat Brief**

TSA Intelligence and Analysis Intelligence Analyst Mr. Bill Cauley provided an overview of activity in the homeland and insights into emerging threats. Briefing points included—homegrown violent extremists (HVEs), environmental extremists, statements of aspiration from HVEs for attacks to surface transportation, cybersecurity threat levels, assessments on unmanned aircraft security incidents and sightings, and criminal actors during times of civil protest.

### **Subcommittee Briefs Introductory Remarks**

Chair Farmer provided opening remarks referring to Ms. Fitzmaurice’s previous statement on some of the progress made in surface transportation. He thought it important to consider the question about what contributions the STSAC could make and offered examples. For instance, on March 1, 2020, an essential workers list did not exist. In response to consistent calls from

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industry and government, presenting a unified position for the Transportation Sector through coordinated effort enabled by the STSAC and the Aviation Security Advisory Committee (ASAC), the Department of Homeland Security responded by producing a list of essential workers and critical functions within three weeks. Subsequently, the guidance went into effect and proved helpful; however, as state and local quarantine orders went into effect, some transportation workers were blocked from performing their critical functions. Again, coordination through the STSAC and ASAC produced a unified industry and government position with CISA. This cooperative effort resulted in clarification by CISA's Director to state governors on the intended applicability of the guidance to restrictions beyond stay-at-home orders. As a result, the impediments posed by state and local travel quarantine orders quickly abated. Further, consultations through the STSAC, with partners in the Aviation Sector, led to unified joint government and industry input to enhance the quality of CISA's Essential Critical Infrastructure Workers guidance for its intended purposes. Several segments of the guidance, notably in the section providing instructions on its effective usage, reflects the joint Transportation Sector input verbatim.

In another significant instance, CISA and the Federal Emergency Management Agency (FEMA) halted direct distribution of washable and reusable cloth facial coverings to selected sectors in mid-April 2020. Again, leveraging the coordination processes established through the STSAC, industry and government united in a request to reinstate direct distribution of the facial coverings for the Transportation Sector. A critical factor driving this effort was the deaths of more than 80 workers in the mass transit mode from COVID-19 infection by mid-April. The unified effort succeeded in reversing the decision by CISA and FEMA to end direct distributions to private sector organizations. Nearly 16 million cloth facial coverings were provided to organizations in the Aviation Sector and across all surface modes. An accompanying benefit of the Transportation Sector initiative was the reconsideration by CISA and FEMA of the policy more broadly – which resulted in distribution of facial coverings to several other sectors that had not been covered. All involved merit commendation for a very effective collaboration that substantially mitigated risk of exposure to the virus among essential workers.

Chair Farmer highlighted these areas because no one envisioned them occurring beforehand—they came about because of concerted, cooperative effort between industry and government. He urged the subcommittees to take the same approach, particularly by evaluating what opportunities based on work ongoing in industry already exist and how these current procedures might be improved and expanded to be effective across all modes.

Chair Farmer then opened the meeting for the reports describing the progress of the work accomplished through the subcommittees—Security Risk and Intelligence, Cybersecurity Information Sharing, Insider Threat, and Emergency Management and Resiliency—to address the tasking requirements identified in the Administrator's tasking letter.

He felt it a privilege to introduce the Security Risk and Intelligence Subcommittee and the Industry Co-Chair Ed Bruce, stating that he has been personally inspired by Mr. Bruce's professionalism and commitment.

### **Security Risk and Intelligence Subcommittee**

#### *Security Risk and Intelligence Subcommittee Leadership*

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Mr. Ed Bruce  
Industry Co-Chair  
New Jersey Transit Police Department (NJT)

Mr. John Beattie  
Government Co-Chair  
TSA Intelligence and Analysis (I&A)

Mr. Darnell Young  
Designated Federal Officer (DFO)  
TSA Intelligence and Analysis (I&A)

Industry Co-Chair Bruce and Government Co-Chair Beattie provided a brief overview of the work accomplished through the Security Risk and Intelligence Subcommittee over the past three months. The narrative included—

- The Subcommittee has prioritized its areas of focus based on intelligence and security information sharing, information protection and the question, “How do we measure and drive down risk?”
- The Subcommittee has created three working groups—Surface Information Sharing Cell Governance and Charter, Current Industry Information Requirements, and Risk Catalogue.
- The groups represent a cross section of surface transportation systems and operators within the Transportation Systems Sector and government agencies with applicable surface transportation equities.
- The Subcommittee’s efforts are focused on developing and recommending efficient ways to increase two-way information sharing between the surface transportation sector and the government as well as identifying the methodology and processes to measure and drive down risk.

### **Cybersecurity Information Sharing Subcommittee**

#### *Cybersecurity Information Sharing Subcommittee Leadership*

Ms. Kimberly Denbow  
Industry Co-Chair  
American Gas Association (AGA)

Mr. Timothy Weston  
Government Co-Chair  
TSA Strategy, Policy Coordination, and Innovation (SP&I)

Mr. Lee Allen  
Designated Federal Officer (DFO)  
TSA Policy, Plans, and Engagement (PPE), Surface Policy

Industry Co-Chair Denbow and Government Co-Chair Weston provided a brief overview of the work accomplished through the Cybersecurity Information Sharing Subcommittee over the past three months. The narrative included—

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- The Subcommittee is developing recommendations on the creation of a surface-wide information sharing network.
- The Subcommittee is doing this through the assessment of mature information sharing entities across the surface transportation modes, existing information sharing agreements, and current voluntary reporting mechanisms.
- The Subcommittee is approaching this task in three phases. Phase 1 includes convening existing government and private transportation information sharing entities to ascertain their differences and commonalities in the threat community, types of platforms used, governance, information sharing outside of the community platforms, and current challenges.
- Phase 2 includes a Subcommittee assessment of information gathered and formulation of recommendations.
- Phase 3 is the development of the recommendations report for submission to the Administrator.

### **Insider Threat Subcommittee**

#### *Insider Threat Subcommittee Leadership*

Chief Joseph DeLuca  
Industry Co-Chair  
Secure Worker Access Consortium (SWAC)

Mr. Matthew Hudren  
Government Co-Chair  
TSA Law Enforcement, Federal Air Marshal Service (FAMS)

Mr. Dean Walter  
Designated Federal Officer (DFO)  
TSA Strategy, Policy Coordination, and Innovation (SP&I)

Industry Co-Chair DeLuca and Government Co-Chair Hudren provided a brief overview of the work accomplished through the Insider Threat Subcommittee over the past three months. The narrative included—

- The Subcommittee has aligned its efforts with six focus areas previously developed by the Aviation Security Advisory Committee (ASAC) Insider Threat Subcommittee:
  1. Threat Detection, Assessment, and Response
  2. Worker Vetting and Evaluation
  3. Worker Screening and Access Control
  4. Training and Engagement
  5. Information Sharing
  6. Governance and Internal Controls

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- The Subcommittee is working to determine the relevance and applicability of the ASAC Insider Threat work as it relates to surface transportation security, its inherent complexity, and regulatory and logistical constraints.
- The Subcommittee's efforts are aimed at determining best practices for insider threat mitigation in support of diverse surface transportation modes and workforce populations.
- As a group, the Subcommittee is examining the operational challenges within unique segments and how best to address varying levels of risk across the industry.
- The Subcommittee work will culminate with a clear and thorough analysis of the industry's unique needs and provide specific recommendations for improvement in the nation's approach to mitigating the insider threat throughout surface transportation infrastructure and systems.
- The Subcommittee foresees these recommendations to include educational, vetting, and information sharing programs that meet the needs of public and private stakeholders and the diverse employed and contracted workforces that support surface transportation.

### **Emergency Management and Resiliency Subcommittee**

#### *Emergency Management and Resiliency Subcommittee Leadership*

Ms. Jennifer Gibson  
Industry Co-Chair  
National Association of Chemical Distributors (NACD)

Mr. Christopher McKay  
Government Co-Chair  
TSA Policy, Plans, and Engagement (PPE), Surface Policy

Mr. Robert Melan  
Designated Federal Officer (DFO)  
TSA Security Operations (SO), Surface Operations

Industry Co-Chair Gibson and Government Co-Chair McKay provided a brief overview of the work accomplished through the Risk Emergency Management and Resiliency Subcommittee over the past three months. The narrative included—

- The Subcommittee is developing a COVID-19 pandemic after-action report and lessons-learned document to assist STSAC members and the surface transportation sector in continuing to address the current crisis and prepare for future events.
- The Subcommittee drew up a list of items for each mode of surface transportation for each of the five categories regarding the COVID-19 experience—planning, logistics, information sharing, response, and legal/union.
- Subcommittee volunteers from the highway, transit, freight rail, and pipeline industries gathered information from their modal communities under each of the categories on what worked well, what did not work so well, and what could be done better in the future. This information will serve as the basis for the after-action report.

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### Administrative Discussion

Mr. Gorton led the administrative discussion.

Mr. Gorton presented a motion to adopt the April 30, 2020 Meeting Minutes and Attendee Roster. They were approved unanimously by the Committee.

Mr. Gorton announced November 5, 2020, as the date for the next STSAC meeting. This will be a public meeting. Due to the COVID-19 challenges, the venue and location are still being determined.

### Administrator's Closing Remarks

Administrator David Pecoske joined the meeting and provided the closing remarks.

Mr. Gorton advised the Administrator that the four subcommittees provided their status reports on the progress to address the Administrator's priorities and issues surrounding COVID-19—inspiring a great deal of value-added discussion.

Administrator Pecoske opened by recognizing the departure of Committee members Deputy Chief Shahade and Mr. Bruce, saying that they will be receiving letters of appreciation from him for their outstanding STSAC service.

Administrator Pecoske reflected on all that the STSAC has accomplished in less than two years since its establishment by the TSA Modernization Act and expressed appreciation for the work that had been done.

Administrator Pecoske acknowledged all the businesses that COVID-19 has significantly impacted. The effects on TSA have not risen nearly to the level of what industry has suffered. He considered it enormous to have 1,400 TSA employees test positive and six resulting deaths. He realized that, after talks with other government agencies, things will remain different for a very long time. He further noted that during a period of significant change, the importance of communication is highlighted even more than usual.

TSA is actively working to make improvements and to continue identifying and buying down security risk. For instance, TSA has increased attention on cyber and surface transportation security. While aviation remains a major focus, Administrator Pecoske has made surface transportation modes a key priority by reaching out and concentrating more broadly on surface modal perspectives, people, and risk mitigation processes—unifying the whole system across modes based on identifying and mitigating the most significant risks.

Regarding insider threat, Administrator Pecoske referenced the newly-published TSA Insider Threat Roadmap, which is reflective of TSA's focus on reducing risk from insider threats.

Administrator Pecoske concluded by expressing specific interest in the four subcommittees' work. He asked for some highlights of what had been presented. The Administrator opened the floor for questions and comments from the Committee on topics they wished to discuss, including COVID-19, demonstrations and their exploitation by perpetrators of violent acts, or the TSA budget.

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Chair Farmer reported that each subcommittee had given a thorough update. Each group will provide the Administrator with a report on key priorities, the outcomes they seek to implement, and how they plan to attain them.

Chair Farmer commented on the maturation of the public-private partnership, creating opportunities for enhanced capabilities and practices for security and emergency preparedness across surface modes. Chair Farmer's experience with the Coordinating Councils and the Critical Infrastructure Partnership Advisory Committee (CIPAC) process goes back to 2006. The progress demonstrated in the thorough and productive work by each of the subcommittees, the application of the assembled expertise and experience from industry and government, very much reflects the public-private partnership in action. The groups have set aggressive agendas and have well described their accomplishments, the "why" behind their actions, and their anticipated results. He assessed their achievements as "work done, done very well, even in the face of COVID-19 and civil unrest"—at the high cost of late nights, work on weekends, and time lost with family and friends. Mr. Farmer concluded by thanking the Administrator for his support.

Administrator Pekoske said he looked forward to reading the reports. He appreciated the members' superb efforts while simultaneously working their day jobs and juggling tight schedules.

Mr. Gorton asked if anyone had further questions for Administrator Pekoske.

Vice Chair Hanson explained how many in industry had requested an extension to the Security Training Final Rule. She acknowledged that it now takes effect September 21, 2020, but the same circumstances that originally hindered compliance still exist—plus new ones such as weather events and demonstrations. Many recognize that although the operators had the best intentions, they could not focus on the rule to develop the training plans and meet other requirements during this time of multiple crises. She urged the Administrator to think favorably on additional calls for extensions.

Administrator Pekoske appreciated the comment and understood the challenge. He asked for a sense of how much progress, if any, industry had made. Rather than trying to fulfill the mandate by a certain date and then pushing that back again as untenable, he thought it better to know how much headway had been made and requested a suggested date to ensure full compliance. In other words, industry should state how close they have come in meeting the requirements and then propose something reasonable to be able to complete their work.

Vice Chair Hanson concurred.

Chair Farmer added to Ms. Hanson's perspectives. He indicated he planned to include this point in a joint letter requesting a further delay in implementation from the surface modes affected by the regulation. He will elaborate on the impacts causing extensive disruptions and other problems. At the same time, he intended to emphasize that the covered higher risk organization had strong training programs already in place—before the promulgation of TSA's security training regulation. However, substantial time, effort, and internal coordination and approval among numerous functional areas and executive leadership are required to produce the mandated

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security training plans. Lastly, Mr. Farmer will discuss considerations with personnel fatigue and overtaxed resources resulting from the extra work.

Administrator Pecoske understood the circumstances. He did not want to spend too much time on the causes for the delay. He was more interested in accomplishments to date, even considering the problems and knowing how big a lift was required by companies complying. This had been a key topic during his confirmation hearing three years ago. If training programs exist and merely need some modifications to meet the terms of the rule, he wanted a sense of how much change that really entailed.

Vice Chair Hanson described how training will transform as they go forward. Many people will no longer work in an office. With strong budgets, operators can further extend already developed training. Mass transit, in particular, is greatly familiar with DOT's robust training and safety management systems and other topics which are posted online. She expressed more concern over what could work with smaller agencies or across a sector. To assist, she recommended TSA, which has developed training to meet some of the requirements, should consider posting the training online.

Administrator Pecoske saw this as a good point. For example, TSA had taken some of its own employees' existing training and rapidly converted it online. TSA could evaluate doing something similar. If done well, online training could be made available to the industry.

Administrator Pecoske made sure that no one had further questions and thanked the attendees—recognizing the hours spent at the day's virtual event.

He looked forward to the subcommittees' reports and the letter on the security training rule. He stated that work continued on two other rules required by the 9/11 Act—security plans and assessments and worker vetting. He closed his remarks by thanking everyone for their participation and recognizing the commitment made by all while carrying out their professional responsibilities during these unprecedented times.

Understanding the Administrator's busy schedule during these challenging times, Mr. Gorton thanked Administrator Pecoske for joining the meeting. He turned the proceedings back to Ms. Newhouse and the Chairs for their closing comments before adjournment.

Ms. Newhouse picked out an inspirational quote from Henry Ford that said, "Coming together is beginning. Keeping together is progress. Working together is success." She thought that mirrored the STSAC during this very challenging time. She offered her very special thanks to stakeholders, partners, and law enforcement for keeping everyone safe, providing critical lifesaving support, and enabling transportation. She never takes that for granted. She thanked everyone on the line for doing important work which she viewed as a noteworthy example of moving forward in difficult circumstances.

Mr. Gorton thanked Ms. Newhouse for her thoughts and turned the floor over to the Chairs.

Vice Chair Hanson thanked the TSA staff for keeping everything on track and ahead of time. She thanked the subcommittees for keeping their presentations on time and noted they did not

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even need to use the timer chimes. Finally, she thanked all the individuals involved in putting the proceedings together.

DFO Harroun-Lord acknowledged the success as a team effort.

Chair Farmer praised the great job of organizing the meeting. He recognized the immense preparation that went into the thorough agenda and execution of the meeting and was impressed with the accomplishment. He recalled how he opened the meeting with the story about Willie Mays' first homerun and the first sixty feet of a great pitch. But this group stuck to a great pitch for a full sixty feet, six inches.

Mr. Gorton felt truly appreciative and somewhat in awe of all the work done by the subcommittees. He has served in the surface world for a number of years and noted the security environment remains complicated because of different lines of business with varying needs and issues. He understood the level of effort it took to bring everyone together to approach these problems collaboratively. He praised the STSAC members for remaining respectful of differences while finding common themes and ways to accomplish things. He thought it promising that some things are being accomplished better through teamwork, and believed bringing in new people as value-added because they have fresh ideas and can move the groups toward a path to find a solution.

### **Adjournment**

DFO Harroun-Lord adjourned the fifth meeting of the Surface Transportation Security Advisory Committee at 3:45 p.m.

### **Certification of STSAC Meeting Minutes**

*I hereby certify that this is an accurate record of the activities of the Surface Transportation Security Advisory Committee on July 30, 2020.*



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Thomas L. Farmer  
Surface Transportation Security Advisory Committee Chair