

**OREGON TRANSPORTATION PLAN UPDATE**  
**Transportation Security**

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# OREGON TRANSPORTATION PLAN UPDATE

## Background Paper

### Transportation Security

#### The Issues

According to the U.S. Department of Transportation, 42 percent of terrorist attacks worldwide in 1998 were against transportation or transportation infrastructure. By 1998, the transportation and emergency management communities were starting to consider terrorism as one of the many hazards to prepare for. But it took the terrorist attacks of September 11, 2001 to prompt heightened awareness of the need to protect critical transportation infrastructure in the United States from such attacks.

According to the Federal Bureau of Investigation (FBI), a terrorist act is one that is:

- Illegal and involves the use of force,
- Intended to intimidate or coerce,
- Committed in support of political or social objectives.

Many parts of the transportation system are considered potentially attractive targets for terrorist acts including bridges, airports, mass transit systems and rail yards. Along with the infrastructure, users of the system must also be protected. Terrorist attacks may also be designed to injure or kill the emergency responders.

This raises questions for consideration as part of the planning process for Oregon's transportation system, such as:

- What is the likely threat to Oregon's transportation infrastructure? Which parts of the system are most critical? Which parts are most vulnerable to attack?
- What actions can be taken to protect bridges, tunnels, airports, transit stations, rail yards, traffic management centers and other transportation infrastructure from terrorist attacks?
- How effective are countermeasures likely to be?
- How will countermeasures be funded?
- Are there some types of information about the transportation system (such as bridge plans or details about hazardous materials shipments) that should not be available to the public for security reasons? What can be done to achieve this protection while still providing for the public's right to know?
- How do actions at the federal level in regard to security issues affect Oregon's transportation system?
- How can ODOT best work with its terrorism prevention and emergency response partners to improve security of the transportation system?

## **Background**

In 1997 ODOT and local agencies identified lifeline routes for each county in Oregon. This list, used to prioritize bridges for seismic retrofit work, also provides a good starting point for describing priority routes needed for emergency response. Seismic retrofitting work also provides a bridge with some protection against explosives.

For several decades, the Federal Highway Administration (FHWA) has required state Departments of Transportation (DOTs) to have an Emergency Highway Traffic Regulation (EHTR) Plan. The EHTR describes how the state DOTs and law enforcement agencies will regulate the use of state highways for military shipments during national security emergencies. ODOT's EHTR Plan, first developed in the 1960s, was most recently updated in 1998. FHWA guidance provided at that time was still based on Cold War era thinking. State DOTs were asked to prepare for a nuclear weapons attack against the United States that would potentially contaminate the landscape, including highways, with high levels of radiation.

ODOT also developed an all-hazards Emergency Operations Plan in 1998. The plan, a controlled distribution document that is updated each year, describes actions ODOT will take to prepare for and respond to emergencies that involve the transportation system. Terrorism was included as one of the potential threats to Oregon's transportation system.

The State of Oregon's Office of Emergency Management formed a Domestic Preparedness Policy Group in 1999 to work on terrorism prevention and response issues. ODOT was among the group's first members. The group worked to distribute grant funds provided to Oregon by the U.S. Department of Justice to help equip state and local first responders (fire, police, emergency medical service and public works) to respond to weapons of mass destruction (WMD) attacks.

In 1999, the members of the ODOT Emergency Preparedness Committee also worked as a group to complete the Federal Emergency Management Agency's "Emergency Response to Terrorism: Self-Study Course." ODOT representatives attended various classes, meetings, and conferences in regard to terrorism preparedness and response.

On the morning of September 11, 2001, ODOT bridge and highway maintenance employees were directed to check the bridges in their areas of responsibility and report anything unusual. In November 2001, law enforcement notified ODOT that a credible threat had been issued against suspension bridges on the West Coast. The threat information indicated attacks were planned to occur during rush hour. ODOT worked with Oregon State Police, local law enforcement, the U.S. Department of Transportation and other agencies to prepare to respond in the event of an attack against any bridge on the West Coast.

The Motor Carrier Transportation Division and Driver and Motor Vehicles Division (DMV) were asked to increase cautions regarding the credentials of commercial drivers hauling hazardous materials. ODOT also was asked by law enforcement to be alert for and report suspicious activities involving vehicles abandoned or parked unattended near vital infrastructure. The ODOT Rail Division worked with railroads to inspect tracks and equipment with security issues in mind.

In late 2001, the Governor formed the Office of Public Safety and Security within the Oregon State Police. This office is Oregon's counterpart to the new federal Department of Homeland Security. Governor Kitzhaber also established the Governor's Security Council, which consists of representatives from various state agencies including Oregon Emergency Management and the Departments of State Police, Military, Human Services, Environmental Quality and Administrative Services.

ODOT is not a member of the Governor's Security Council. However, ODOT is a member of the state's Domestic Preparedness Policy Group and Domestic Preparedness Working Group. These two groups work under the direction of the Governor's Security Council. They are co-chaired by the Oregon State Police, Oregon Emergency Management and Oregon Health Services. The primary activities carried out by the Domestic Preparedness Policy and Working Groups have been:

- Review of state and local agency applications for first responder equipment grants from the U.S. Department of Justice and
- Development of Oregon's Domestic Preparedness Needs Assessment and Three Year Strategy, which are federal requirements for states to receive Domestic Preparedness funding.

The State of Oregon Emergency Management Plan assigns ODOT as the primary agency for assisting state or local governments with transportation needs during an emergency. On that basis, the Oregon Health Division asked for ODOT assistance in planning the emergency distribution of the National Pharmaceutical Stockpile (now called the Strategic National Stockpile) in Oregon in the event of a terrorism event that impacts public health.

In June 2002, ODOT took part in the "Blue Cascades" Regional Critical Infrastructure Tabletop Exercise conducted by the Pacific Northwest Economic Region (PNWER). The scenario involved a series of coordinated attacks in the PNWER region that disrupted various critical infrastructure sectors including transportation.

In August 2002, FHWA issued updated guidance to state DOTs for revision of their EHTR plans in view of new security concerns. The ODOT Office of Maintenance is working with the Oregon Military Department to assure military needs regarding use of state highways is addressed.

In November 2002, the U.S. Coast Guard conducted a security assessment of the Port of Portland. Part of the assessment included meeting with ODOT officials to discuss

security of bridges across the Columbia and Willamette Rivers in Portland and the Megler bridge across the Columbia at Astoria.

In December 2002, the FBI formed Oregon chapters of Infragard in Portland and Klamath Falls. Infragard is a cooperative undertaking between the federal government (led by the FBI) and an association of businesses, academic institutions, state and local law enforcement agencies and other participants dedicated to increasing security of critical infrastructures in the United States. Infragard members exchange information about threats to and attacks on critical infrastructure. ODOT is a member of Infragard.

In February 2003, a course called “Terrorism Awareness for ODOT Employees” was made available to ODOT employees. The course is for ODOT office workers as well as ODOT first responders (highway maintenance workers and incident response personnel). It describes how to recognize a potential terrorism incident and appropriate actions to take.

In March 2003, FHWA and the American Association of State Highway and Transportation Officials (AASHTO) conducted a workshop on “Bridge/Highway/Tunnel Infrastructure Vulnerability Assessment.” The workshop included guidance on how to conduct vulnerability assessments of critical highway infrastructure. It also included information about recommended countermeasures that could be used to protect critical highway infrastructure. Federal funds are not available for this activity; however, it is anticipated that state DOTs will be required to conduct vulnerability assessments in the future.

In August 2003, ODOT hosted a federal transportation security and emergency response workshop in Portland. The two-day workshop was conducted by FHWA and co-sponsored by ODOT, Tri-Met, and the Oregon State Police. It focused on response to a terrorism event on the transportation system. Participants included more than 70 federal, state, and local transportation and emergency response officials from Portland and the surrounding area.

### **Related Policies in the Oregon Transportation Plan**

The Oregon Transportation Plan adopted in 1992 addresses transportation security under Policy 1D-Environmental Responsibility and 1G-Safety.

*Policy 1D-Environmental Responsibility* states, “It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation of natural resources.”

These actions listed under *Policy 1D-Environmental Responsibility* correspond to the transportation security issues:

#### ***Action 1D.2***

*Cooperate with the Oregon Department of Energy to carry out transportation-related provisions of the state Energy Plan.*

Comment: If the Oregon Office of Energy determines the state's petroleum supply is threatened due to terrorism or other causes, Energy's Petroleum Contingency Plan will be implemented. The plan assigns certain emergency response activities, such as assisting with enhanced ridesharing programs and communications, to ODOT. The ODOT Emergency Operations Plan describes how the ODOT Maintenance, Public Transit, DMV and Communications programs would implement these responsibilities.

***Action 1D.6***

*Assure the safe, efficient transport of hazardous materials within Oregon. For purposes of this action, the definition of hazardous materials includes radioactive materials.*

- *Work with federal agencies, the Public Utility Commission, the Oregon Department of Energy and local governments to assure consistent laws and regulations for the transport of hazardous materials, including the development of standards for containment and crash-proofing such transport and the development of requirements for the visible signing of contents of carriers.*
- *Participate in the work of the state Interagency Hazard Communication Council.*
- *Require that local, regional, and state transportation systems plans provide for safe routing of hazardous materials consistent with federal guidelines, and provide for public involvement in the process.*
- *Develop hazardous materials accident and spill management skills to deal with potential accidents.*

Comment: The work ODOT is already doing in these areas also helps address the prevention of and response to terrorism events involving weapons of mass destruction (WMD). The WMD components – chemical, biological, incendiary, nuclear and explosive weapons – are all categorized as hazardous materials.

***Policy 1G-Safety*** states, *“It is the policy of the State of Oregon to improve continually the safety of all facets of statewide transportation for system users including operators, passengers, pedestrians, recipients of goods and services, and property owners.”*

These actions listed under Policy 1G-Safety correspond to the transportation security issue.

***Action 1G.4***

*Improve the safety in design, construction and maintenance of new and existing systems and facilities for the users and benefactors including the use of techniques to reduce conflicts between modes using the same facility or corridor. Target resources to dangerous routes and locations in cooperation with local and other state agencies.*

***Action 1G.6***

*Increase interagency cooperation among federal, state, and local governments and private enterprises in order to implement more effective community-based safety programs.*

***Action 1G.9***

*Build, operate and regulate the transportation system so that users feel safe and secure as they travel.*

***Action 1G.11***

*Promote high safety and compliance standards for operation, construction, and maintenance of the rail system.*

Comment: The work ODOT is already doing on the transportation security issue is helping to implement these action items.

**Issues to be Addressed**

Some issues are not clearly addressed in the Oregon Transportation Plan:

1. A policy (and funding) to require vulnerability assessment and implementation of critical asset protection measures.

In May 2002, the AASHTO Security Task Force published “A Guide to Highway Vulnerability Assessment for Critical Asset Identification and Protection.” The guide was funded by a National Cooperative Highway Research Program grant.

In March 2003, the ODOT State Bridge Engineer and the ODOT Statewide Emergency Operations Manager attended training on the use of the guide. No funding has been identified to implement vulnerability assessment and implementation of critical asset protection measures. But it is anticipated that the federal government likely will require assessment of critical assets and implementation of protection measures in the future by state DOTs.

The Office of Maintenance is the lead for ODOT regarding security measures. The Office of Maintenance works cooperatively with the Oregon State Police Office of Public Safety and Security, the Federal Bureau of Investigation and groups such as Infragard and the Pacific Northwest Economic Region’s infrastructure protection

working group to address such issues. Representatives from Motor Carrier, Rail, Public Transit and DMV have also been involved in these activities.

The ODOT Office of Maintenance is working with the Bridge Section and Districts to assess critical highway infrastructure and identify funding sources, such as domestic preparedness grants, to help implement security measures. A U.S. Department of Justice grant program administered by the Oregon State Police is one such program ODOT is eligible to apply for. However, at this time no specific funding has been identified.

2. A policy to ensure highway operations are available to meet military and public needs in the event of a national security emergency.

In June 2002, FHWA issued “Military Coordination Procedures Guide for State Agencies (Interim Guide).” The guide provides information to help state DOTs update their EHTR plans. The intent is to ensure states have adequate coordination procedures to support military deployments while at the same time managing civilian traffic during national security emergencies.

This issue is addressed in the ODOT Emergency Operations Plan. The ODOT Office of Maintenance works with the Oregon Military Department and other state agencies as needed to plan for support to military shipments on state highways. The Office of Maintenance is supported in this effort by members of the ODOT Emergency Preparedness Committee that includes Traffic Management, Motor Carrier and Region representatives.

3. A policy or guidance on how to protect sensitive information about the transportation system.

Currently ODOT’s information is public record. This has caused some concerns to staff who have received inquiries from the public that could be construed as a risk to transportation system security. The 2003 Oregon Legislature passed House Bill 2425 which addresses security exemptions from the Public Records law. The bill took effect on passage and was signed by the Governor July 1, 2003.

4. A policy that would:

- Recognize the interdependencies between the transportation sector and other critical infrastructure sectors, and
- Encourage cooperation and coordination between the transportation sector and other critical infrastructure sectors for mutual security protection.

The U.S. Patriot Act of 2001 defines critical infrastructures as the “systems and assets – whether physical or virtual – so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security,

national economic security, national public health and safety, or any combination of those matters.”

The *National Strategy for Homeland Security* issued by the Office (now Department) of Homeland Security in July 2002 identifies 13 critical infrastructure sectors. The sectors are:

Transportation including air, rail, maritime, pipeline, highway, truck, bus and public mass transit;

Agriculture including feed, animals, animal products, crop production and the post-harvesting components of the food supply chain;

Food including retail food distribution and consumption;

Water including fresh water supply and wastewater collection and treatment;

Public Health including hospitals, nursing homes, pharmaceutical stockpiles and the national blood supply;

Emergency Services including police, fire and emergency medical/rescue services;

Government Services including programs such as Social Security and Medicare;

Defense Industrial Base including the production and distribution of military hardware as well as the goods and services critical to military readiness;

Information and Telecommunications including voice and data services as well as Internet access and wireless capabilities;

Energy including electricity, oil, and natural gas;

Banking and Finance including banking operations, financial markets, and financial utilities, such as electronic payment systems;

Chemicals and Hazardous Materials including substances used for agricultural, industrial and commercial use; and

Postal and Shipping including the movement and handling of letters, packages and cargo.

No critical infrastructure sector operates in a vacuum. Each critical infrastructure sector complements and depend on others. About 85 to 90 percent of critical infrastructures nationally are privately owned and operated. The Oregon Transportation Plan does address the need for transportation to support some of

the activities of other critical infrastructure sectors. However, a broad statement of recognition and support would further help to promote the public-private partnerships needed to implement the shared responsibility for critical infrastructure protection. Strengthening these ties is an important step toward improving the security of Oregon and the nation.

### **Recommendations for Next Steps**

1. The Office of Maintenance should develop recommendations regarding how sensitive security about the transportation system is to be handled.
2. The Safety and Security Policy Committee should determine which issues listed in the previous section are appropriate for the Oregon Transportation Plan and how to address them.

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