
Public Hearing

before

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE

“Airport Security”

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: October 17, 1996
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Alex DeCroce, Chairman
Assemblyman Francis L. Bodine, Vice-Chairman
Assemblyman Anthony R. Bucco
Assemblywoman Clare M. Farragher
Assemblyman Joseph Charles Jr.
Assemblyman John S. Wisniewski



ALSO PRESENT:

Amy E. Melick,
Office of Legislative Services
Aide, Assembly Transportation and
Communications Committee

Hearing Recorded and Transcribed by
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ASSEMBLYMAN ALEX DeCROCE (Chairman): Good afternoon, ladies and gentlemen. I'm sorry that I'm late starting up. It's unusual, but we had to give everybody an opportunity to get here this afternoon.

My name is Alex DeCroce. I'm Chairman of the Transportation and Communications Committee. With me today is Assemblyman John Wisniewski, Assemblyman Joe Charles, Assemblyman Tony Bucco, and Assemblywoman Clare Farragher. With us are staff people: Glenn Beebe, of our staff; and Amy, from OLS.

The point of today's hearing, more or less, is to get the word out on the street as to what's happening with regard to our airlines and whether or not they are secured and the airport itself. So let me just give you a short statement.

Sometimes it takes a terrible tragedy or a disastrous event to heighten public awareness of such an important issue. The case in point is the explosion of TWA Flight 800 and the renewed call for better security in our airports. I have to say to you that the Bergen *Record* story that came out about a month ago certainly opened our eyes that there were measures that had to be taken in order to close the gap on some of the security measures -- security concerns that a lot of people apparently had.

After watching the aftermath of the Flight 800 crash, the issue of airport security took center stage. Many air travelers and their families began to express concern about security at the airports in the metropolitan area. They wanted some assurances that our airports were indeed safe and well protected from terrorists. Today, this Committee hopes to shed some new

light on the issue of airport security in New Jersey, specifically at Newark International Airport, which is, perhaps, one of the busiest airports in the nation.

I'll be real forthright in saying that one of the reasons for this hearing is to discuss media reports about the lack of security at Newark Airport, as I mentioned earlier. It's unfortunate and sad that innocent travelers are often the targets of terrorists who are trying to make some sort of political statement, but it's a reality we really have to live with. The violence and unrest in this world requires us to be more vigilant in our efforts to stop violence and terrorism in our country. We must make certain that we develop and implement the best possible security systems, certainly at Newark Airport and all of our nation's busiest airports, to protect the general public from random acts of terrorism.

Let me make it clear that I did not schedule this meeting to point fingers and criticize and chastise any agency or individuals for security problems at Newark Airport. I want this meeting to be a discussion about existing security procedures, including implementation of the Port Authority's 10-point security program that was unveiled last month, and how we can work together to make our airports even safer.

We should discuss what type of security problems have been encountered in the past and what we can do to correct those problems in the future. Newark Airport has been built on an excellent safety record, and I, for one, would like to see its success continue in that area. I'm sure that with continued vigilance and new security techniques, we can provide the type of protection and security that our citizens need and certainly deserve.

Now I want to say this, we've invited each of the airlines. We've invited the Air Transport Association to be here today, and I don't see them on the speakers' list. Frankly, I'm really disappointed. They had an opportunity to get their message out to the general public. They have an obligation to get their message out to the general public to assure them that they are taking measures, not necessarily to give us the intricate positions that they have taken to secure each of their terminals and their gates and maybe their cargo areas, but just to assure the people who go in and out of Newark Airport every day that they are working at it. Unfortunately, they apparently decided not to take advantage of the opportunity, and that is unfortunate.

I will, in my position as Chairman of this Committee, try to work with the Speaker to see what measures we can take to ascertain if there is any legislation that we can provide to bring them to us at certain times, maybe even-- It may even require subpoena power, and I can do that through the Speaker, if I have to.

But we wanted to be assured. We wanted to get the word out, and that's the purpose of this hearing, not to point fingers, not to chew anybody out. We went down to see the Port Authority about two weeks ago, this Committee, and they were very enlightening. They told us what they are trying to do. We understand that they have certain areas that they just can't give the general public every little indication of what safety positions they have taken, but they could at least assure everyone that they don't have to worry about using the terminals and the gates and the airlines that fly through Newark Airport.

You have to remember, as I mentioned earlier, 26 million to 28 million people per year are using that facility. I think the airlines and the Air Transport Association had an obligation to be here today, and I'm disappointed that they are not.

With that, I am going to ask John Haley, Deputy Director of The Port Authority of New York and New Jersey to come forward and, if he will, to give us the Port Authority's position.

Thank you, John, for coming this afternoon.

JOHN J. HALEY JR.: Thank you, Mr. Chairman. Let me try to figure out which of these microphones to speak into.

I appreciate the interest and the opportunity to be here, and I'd like to congratulate you and the Committee, who took the time, as you indicated, a couple of weeks ago to come out and have a hands-on tour of the airport to see some of the problems and issues and concerns firsthand.

I have a statement that I will leave with you, into the record, and with your permission, I have a few slides that I would like to run through, just to give yourself and the Committee an overview and make a couple of important points that we think are worthwhile and of interest to you.

ASSEMBLYMAN DeCROCE: If you'll let us know when you're ready, we'll lower the lights.

MR. HALEY: I'm ready to go.

ASSEMBLYMAN DeCROCE: Okay.

MR. HALEY: (witness shows slides) I did want to put in, just as an opportunity to speak before the Committee, this is not a security-related topic, but when we had the opportunity to talk to you when you were in

Newark, a number of questions came up on the monorail. For those of you who haven't had a chance to see it or use it, the monorail is moving. We're now on 24-hour service on three days a week. We'll continue to move toward full 24-hour service by the end of the month.

The response from the passengers has been extraordinary in terms of the usage. It's as if the users of the facility -- it's as if the monorail were always there. We are still working through what I would describe as normal technical bugs. On a typical day, we lose about one train a day, which we are able to work to recover from, more and more. And we are looking to see what we can do from a train control standpoint to build capacity.

As you said up front, Mr. Chairman, security is clearly a major concern, a major priority for us as the operator of three of the largest airports in the world. We have, on a regular basis over the last several years -- and I think the Port Authority, more so than, or as much as anyone else, has been affected firsthand by tragedy and the work of terrorists, of course, with the World Trade bombing. Since that time, we have continued, at all of our facilities, to review our security plans and to update them on a regular basis. We appreciate the fact that with a tragedy like TWA 800, we've had the opportunity to work with committees like yourself, the Federal government, the airlines to pay a good deal more attention to work collaboratively to improve security.

One of the things I wanted to note for the Committee -- it's an important point to make -- given where we are in the state of the world today, and I'm using the picture of the Pope to illustrate a point-- The point is, when the Pope came to visit Newark Airport about a year ago, in the 12 months

since then, we've been at a heightened state of security for all but four weeks. The message that I would leave you with here is that the baseline is changing, that what is referred to as a heightened level of security is now becoming the norm, and what that means is a greater presence of uniformed personnel, an increase in posts, and an increase in checking in -- a tradeoff, I think, in terms of a little more inconvenience, perhaps, as you are traveling, for a safer system. But with the Pope coming to town -- coming to Newark -- a year ago, with that time, it's really been for us 12 months of increased security at all levels.

This is just a quick snapshot of where we have come down in terms of crime statistics. I will point out to you that the principal problem that we're talking about at Newark Airport regarded auto thefts. I'm pleased to say that as the result of a very deliberative focused and targeted program, we have only had -- and we are talking about now into the 10th month of the year -- less than five stolen autos from Newark Airport. There has been a tremendous response. We got great cooperation from the local police on moving forward with that.

On the airport security, a couple of the points I would like to make is to identify for the Committee -- and you touched on this in your opening remarks, Mr. Chairman -- the roles and responsibility of the FAA, the airport operators, and the airlines themselves to outline and give you an update on where we stand with our 10-point plan and also to frame some issues that not only we are dealing with, but the Federal government is dealing with as we go forward.

I think it is important to note, and this is -- again, your understanding of this is greatly appreciated -- in your opening remarks, we

have, under our system of security in the United States, really, one of shared responsibility. As you can see by the visual, the FAA has the overall responsibility for security-related matters at U.S. airports. The Port Authority or any other airport operator provides a comprehensive security plan to the FAA on a regular basis. The U.S. carriers, the airlines, are responsible -- and the most direct way I can say it is anything -- whether it's a passenger or cargo that goes on an airplane, the U.S. airlines are responsible for screening of that individual or that particular material. Foreign carriers play a role in some international flights, and the local police play a role, as well.

So you have a system of clearly identified but, also, clearly shared responsibilities. In order for it to work effectively, everybody has to hold up their end of the deal.

Here is a shot of the FAA. In the upper right, at the side, that is the Federal tower, in part of their role.

This is a screening point -- a Port Authority car going through. This is access that we control to get to the gate area.

Here is the airline end of it: the passengers checking in and then screening -- X-ray screening of particular luggage. All this is done-- There is a cargo check. This is done, under our system, by the airlines.

I guess about six weeks ago, the presidential commission -- the Gore Commission -- came out with a series of recommendations. The ones-- It's a little difficult to see. They came up with 20 recommendations. These are what we have identified as the 10 most critical ones, or the 10 highest profile ones, and what we've done is try to indicate in there, by a bolder yellow, those

recommendations that the Port Authority had implemented, or has implemented, since the report came out.

I would like to draw your attention to a couple of points that I think are important. The second one on the list is "Airport Vulnerability Assessments." The message that I would like to leave with the Committee is that we have, for the last several years, retained outside help, a professional security firm who goes through not just the airports, but all the Port Authority facilities -- the bridges, the tunnels, the PATH system -- to take a look at our physical plant, make recommendations to us what changes we can make to make the system safer and more secure. We have implemented a number of those over the last several years.

In the middle of the fifth point down on existing technology, in the Gore Commission Report, there is a great deal of discussion right now of looking for a quick fix or a magic fix with a type of machine that can screen out everybody's potential danger problems. Unfortunately, the term the Commission used was, "There's no technology silver bullet." While there is an increase in research and development, there are various machines that are in effect in other parts of the world that are being looked at here, but right now there is only one FAA-certified screening machine, something called the CTX-5000. We have one in one of the terminals at JFK, but again, under our existing system -- and this is under review by the Gore Commission -- responsibility for procuring that type of machine, which is very expensive, lies with the airlines.

The other point that's worth -- I'd like to highlight on this is the certification and upgrading of the qualifications of security personnel. Again,

the airlines, in hiring people-- We have moved in the last several weeks to have Port Authority IDs, rather than just an airline ID, which allows us to impose on them a much more specific background check. So this is an area in which there will be great discussion at all levels, at the State level, certainly at the Federal level, as the FAA and Congress review the whole overall security system. But that is one worth noting.

Our 10-point security plan, which we alluded to earlier: We hired a firm called Interpass, Limited, who is in the process right now of-- We receive regular reports from them on a daily basis. They have people who go through, attempt to violate our procedures, make comments on our procedures, walk by our personnel, work with them, and we're continuing to challenge our own system to look for ways to improve it.

A week ago we introduced explosive detecting dogs at Newark Airport. They are right now available to us. It's a private contract. We're in the process of training some of our police officers. We expect to bring in additional dogs, perhaps as many as 16 to 20. And we have been promised by the Federal government that we will be in the first group of four airports that will receive Federal dogs. Our handlers, in this case a couple of our police officers, will be going to Texas to be trained in that later this month.

A three strikes and you're out program is our attempt to let the airlines and the contract employees know that we're serious about-- Three strikes and you're out refers to minor violations. For example, if you walk through a door and you see one of your fellow employees behind you and you allow them to come in with you, even though they have the proper credential, that's still a violation. That's what we refer to as a minor violation. If they

have no credential, that's a major violation, so they would not get three strikes. Under the first circumstance they would, the second they wouldn't. But again, what we're finding in our security reviews on a monthly basis, with the airlines, that sometimes the same people are responsible for the violations, and simply it's our attempt to close the loop.

Physical security, we talked about. Higher standards for security personnel, we've implemented that.

Cargo is very important. We have what is a model program in the industry in terms of a 24-point cargo security program. There are some 50 -- over 50, actually -- carriers doing business at Newark. Many of them are exclusively cargo, and we use our police force on a regular basis, at least four times a year, to go through every carrier and give them a security review of their cargo. The Port Authority ID, both for screening personnel and for construction-- We are accelerating our effort to work with the FAA on research and development technology, and our managers -- Bob Kelly is here with me today, the Aviation Director for the Port Authority, and Bob has been very engaged in making sure that he, as well as his staff, is meeting on a regular basis to remind everybody that security is important.

This is a quick snapshot of one of our dogs. I apologize I did not get the name of the dog, so it will have to remain anonymous.

Finally, what can we expect in the months ahead and what are the issues that have been framed by the Commission report and by yourselves and your colleagues on the Committee? There is, hopefully, as you pointed out in your opening remarks, Mr. Chairman, out of tragedy comes a review. This is, we feel, the time to do a top to bottom review of the system. We feel that the

system has worked well, that it is basically a safe system, but it is at its safest when everybody fulfills their responsibility. And as I pointed out earlier, it's very much a shared responsibility.

They have a different system in other parts of the world; the European system relies much less on the airlines, for example. We have been told, and we will have the opportunity to participate, that there will be a top to bottom review of roles and responsibilities for airport security. The FAA is looking to provide itself -- or to have Congress provide, excuse me -- with the ability to institute civil action against individuals for security violations. Right now we only have the ability to go after an airport operator or an airline. There is tremendous activity in a very rapidly changing field of technology to look at that to implement the checking of baggage.

There is an extensive debate going on regarding both how to use background checks, as well as profiling. The Europeans, again, and the United States Customs Service has used it effectively, have a lot of information gathered on profiling and use it in security.

We have going on, right now, a test with Pan Am -- we started it when we initiated their service a couple of weeks ago -- of a 100 percent domestic baggage match. There is, right now, an international baggage match on any international flight. You may remember, in fact, one of the reasons that TWA Flight 800 was originally delayed some 30 minutes was because of a mismatched bag. They were in the process of taking the bag off the plane when the passenger showed up. That's done across the board on international flights. It's not done on domestic flights frequently because of the short turnaround time that aircraft have. The Gore Commission is interested in

looking at an experimental program to see if it can work under -- and what the constraints would be. We volunteered to do it, and we started with Pan Am.

And then we're working through some issues with the fencing perimeter. That's really a local issue on the JFK side.

So with that, Mr. Chairman, I would leave my testimony for the record and offer these comments. I'm certainly available to take any questions you may have.

ASSEMBLYMAN DeCROCE: Thank you, Mr. Haley. I'd like to ask you, how many airlines use Newark Airport, presently?

MR. HALEY: There are--

ASSEMBLYMAN DeCROCE: Major, more so than the ones that have one or two flights every two weeks, or whatever.

MR. HALEY: There are between 50 and 55 total. Newark has 10 or 11 major ones, I would say, with domestic and international. The most predominate one of the hub carriers, of course, is Continental.

ASSEMBLYMAN DeCROCE: Let me ask you this: Who has police powers at the airport? I know you are divided between the City of Newark, the City of Elizabeth, and then, of course, I think you have your own police department, as well, so who has major control over the policing of the airport?

MR. HALEY: It depends on where you are. We have -- certainly the Port Authority Police have full jurisdiction, not only over the airports, but in the bodies in the port in either state. The city police in Newark and Elizabeth also have some jurisdiction. And there is, of course, various levels of Federal law enforcement from the Customs Service to Federal Marshals that

play a role in various elements of security -- certainly the FBI. As part of our police function, one of the things that we are actively involved in is -- it's not only a standing task force, it's called an Antiterrorist Task Force, as well as a range of special police task forces that may come up as a result of a particular issue.

For example, recently the cargo operation that was broken down by a joint FBI/State Police/local jurisdiction/Port Authority task force. So it's a range of issues -- excuse me, a range of jurisdictions that have police powers at the airport.

ASSEMBLYMAN DeCROCE: And who trains your security people? Who actually does the actual training? Is the Port Authority responsible for the training? Is each airline? Who might it be, the cities? Who?

MR. HALEY: Well, it depends what you're talking, again -- what you're talking. The Port Authority has its own police academy where both basic police training and specialized skill training takes place. As far as-- That's for police officers.

If you are referring, when you say security personnel, if the people who do the screening, I think that's one of the issues that needs to be looked at as to what-- Those are generally contract employees. We hire some in areas that we control. The overwhelming majority of them are hired by the airlines. There is not a national, uniform set of standards for training. It is an area everybody concedes should be looked at. There are some general standards that some airlines use. They are somewhat consistent, but there are discrepancies among airlines. The qualifications, training, and compensation

levels -- those are basically entry level positions -- are all things that we are encouraging the airlines, the FAA to look at very strongly.

ASSEMBLYMAN DeCROCE: Since Newark Airport is within the confines of the State of New Jersey, is there any way this Committee or, in general, the Legislature can help you with regard to standards for training? If there is, we'd like to be of service.

MR. HALEY: We will -- I will take you up on that offer, and what we will do is come back to you and work with you in looking at whether or not it would be appropriate to have certain State standards for security guard personnel and what might be involved in that. But that would be very helpful, and we'll certainly work with you on that. And we will make sure that our security partners, under the present system, the airlines, are involved in that, as well.

ASSEMBLYMAN DeCROCE: Thank you, Mr. Haley.

Does anyone else have any questions for Mr. Haley?

Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thanks, Mr. Chairman.

Mr. Haley, thank you for your testimony. I had the opportunity to be at the Port several weeks ago when we had the tour, and you were very informative in your presentation then and today.

One question that I'd like to ask is, the Port Authority prepares the security program at the airport and the carriers implement the security procedures for the particular airline, correct?

MR. HALEY: Generally, yes. We do -- we have a role, not just preparing. We also, for example, are responsible for perimeter security,

policing of traffic, outside gated areas. But generally the airlines, inside the terminal in most cases, are implementing the plan. That's correct.

ASSEMBLYMAN WISNIEWSKI: Once that security program is prepared by the Port Authority and is then implemented by the airlines, with what, if any, frequency does the Port Authority examine or evaluate or inspect how those carriers are implementing that security program?

MR. HALEY: Pretty much on an item-by-item basis, daily. There is also, at a minimum of once a month in each of the airports, a meeting of a group that is chaired by a Port Authority staff person, who reports to the director of aviation at one of the three airports, whose principal function is security coordinator. That individual holds a meeting, and what they do is go through violations, problems, issues, changes in the physical layout, changes in the flight schedule that may affect security, and share information, both on cargo and passengers, as to how the security may be improved.

One of the things that we've tried to do in the last couple of months is make sure that, as the steward of the airport, we close the loop. By that I mean, one of the things that we found was that we were doing a good job of reporting even minor violations to the airlines and to the FAA, where necessary. What we weren't doing on a systematic basis was making sure that any violation that was reported was corrected 100 percent. So we've moved to do that a little more assertively.

So I guess the long answer to your question is that on a regular -- on a daily basis, both now with an outside firm, we're looking at our procedures, we're challenging them, making sure that we don't have gaps, and

then, on a regular basis, we step back away, at least once a month, and review security issues.

ASSEMBLYMAN WISNIEWSKI: Just as a follow-up to that, on a daily basis or whatever periodic basis, does the Port Authority evaluate the staffing levels that the airlines dedicate for security personnel, say, at the metal detectors or baggage checking? Is there any evaluation done as to how many people are involved? The question I have is really based upon some recent events, with the bankruptcy of Kiwi and other airlines, where this becomes a budget item for the airlines, and quite frankly, how they spend their budget is not necessarily something the Port Authority looks at. So how do you keep track of how many people they have doing it and whether that's a sufficient number?

MR. HALEY: Frankly, in terms of looking at the number of people, I don't know that we-- There are a certain number of security points that are active depending on what time of day it is and what flights are going. Those security points have to be manned. Either that or the access to them has to be cut off. So the number of people required and what's the minimum and the maximum would vary.

Pretty much, they also file their security plan with the FAA, where they talk about the number of people they need to do that. It's not something that the number of people-- Whether or not they have enough people is not something that we would assess on a regular basis. Where we have been very vocal and will continue to be vocal is to talk about the need to look at the training, the qualifications, and the level of training that the individuals performing this function get. We, too, are concerned about what on the

surface appears to be a -- perhaps a potential conflict, where you have the airlines responsible for security and it comes out of their bottom-line budget.

I can tell you, in the last couple of months, as we have reviewed other systems, particularly, say, the European model, where the entire responsibility for security, all aspects of it, lies with-- Say for example, in Holland, we're doing some work with Schiphol Airport. The responsibility there is entirely with the military police. They have -- or are able to redirect a large number of military police that used to do border patrol. The Common Market was created in 1992. Customs went down, the walls went down, both literally and figuratively, and they were able to redirect the police staff.

So we're concerned not so much with the numbers, but also what training is provided, what caliber, and what procedures are followed with the airlines.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

ASSEMBLYMAN DeCROCE: Assemblyman Bucco?

ASSEMBLYMAN BUCCO: Thank you, Mr. Chairman.

Mr. Haley, thank you, again, for coming before our Committee today. I did appreciate the briefing that we got a couple of weeks ago.

With the different layers of security that you have at the airport, you are the ultimate jurisdiction over all of that, or who is?

MR. HALEY: Well, that's a very good question. I would say yes, except we're accountable to the FAA, so in terms of the-- If you take it to the broadest possible level, the FAA is ultimately responsible. But in our position as the airport operator, it is our responsibility under this system to make sure that all the pieces fit and work together.

ASSEMBLYMAN DeCROCE: You know, I have a problem with the FAA. They knew we were having this hearing. They should have been here today. They could have come here and reassured the general public as to what measures are being taken in our local airports. I think it would have been nice, but they took it upon themselves to just sit back and let this thing happen without them. I don't think that's right.

I appreciate the fact the Port and other people have come here today, but I think the FAA had an obligation, as well.

Go ahead, Tony. I'm sorry.

ASSEMBLYMAN BUCCO: That's okay, Mr. Chairman.

ASSEMBLYMAN DeCROCE: I get exercised.

ASSEMBLYMAN BUCCO: I didn't want to interrupt you when you were taking off there. (laughter) Pardon the pun.

So then you basically are the ultimate on the-- If there was an incident, you would take control of all of it then, of any investigation -- if there was an incident at the airport.

MR. HALEY: I have to, again, sound like I'm probably dodging the question, but I'm going to have to answer it by saying it depends on what type of incident it is. Use for example-- If you take, for example--

ASSEMBLYMAN BUCCO: Let's take, for example, the fellow walking on the tarmac, as they did with the newspaper. Who is in charge at that point?

MR. HALEY: Well, if you don't belong on the tarmac, the likelihood is, if you came through a terminal building, the airlines that patrol

the particular -- or are responsible, excuse me, for access through that particular terminal and were responsible for that.

What I was going to do was to use the example of Flight 800, where after the plane went down it was determined fairly quickly that there was not a problem with the takeoff of the plane. There was not a problem with weather conditions, so the NTSB, National Transportation Safety Board, and the FBI took joint control of the operation away from us, as the airport operator. Our role then became to support -- to work to support the rescue effort, help support the families of the victims.

ASSEMBLYMAN BUCCO: Okay. Let me ask you then, do you think it would be more prudent to have a central type of control, instead of having these layered controls and if it's a problem over here, it's your problem, and if it's a problem over there, it's my problem?

MR. HALEY: Well, from a classic management standpoint, I think it's clearly much cleaner in terms of focusing accountability and responsibility to have one ultimate authority. Again, if you look at a model like the Dutch model, when you ask me the question of who is responsible for security, if you talk about it at Amsterdam Airport, the answer is the Military Police of Holland.

ASSEMBLYMAN BUCCO: So there is one ultimate control?

MR. HALEY: Right. Whereas here, in the United States--

ASSEMBLYMAN BUCCO: It's scattered.

MR. HALEY: --it is what I would refer to as a shared responsibility.

ASSEMBLYMAN BUCCO: Well, I'm concerned about what's happening at Newark Airport and if we can make it better. That's what I'm asking. Do you feel, personally -- would you feel that it would be better with a central control similar to the Europeans?

MR. HALEY: Well, I think there are things that we can do to move in that direction, but I think, quite frankly, and this is what we're hoping will come out of the discussions, both in meetings like these and also at the Federal level with the Gore Commission, we think that the respective roles and responsibilities need to be reexamined, and one of the models that needs to be looked at is whether or not, you know, for example, you could go to a more centralized system where either the police or the airport operator would have full responsibility for screening. However, there are substantial issues of liability. There are also financing issues. And I think, because of the scope in the need to have a uniform system, that it is probably tackled in a national environment and in a national debate, because if you look at the systems that are -- the countries that have a more unified system, it comes through the federal government.

ASSEMBLYMAN BUCCO: Maybe we can initiate the process here in New Jersey. Thinking with a management background myself, to me I see more control with the central agency having control over the airport rather than three or four different agencies, because also, the level of training with three or four different agencies is much different. Each one is trained differently.

MR. HALEY: That's absolutely true, and it's a concern that we have.

ASSEMBLYMAN BUCCO: Thank you.

Thank you, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Thank you, Tony.

Assemblyman Charles.

ASSEMBLYMAN CHARLES: Yes.

Mr. Haley, I, too, would like to thank you for coming before this Committee to offer the information that you have so far.

Just a question: One of the big things that concerns everybody is cost. Now, is there an estimate somewhere out there, either within the National Transportation Safety Board, the FAA, Port Authority, or airlines, as to what the costs will be to upgrade the security systems at airports, and how that cost gets paid?

You can narrow that just to the Port Authority facilities -- I mean, Newark Airport or JFK or whatever -- if that's an easier way to approach it.

MR. HALEY: The costs-- I'm not aware of a national number that's out there that says to go to a certain type of system would require X. But here's where a couple of things that may help us as we move forward-- In the Gore Commission report, it has some allocations -- or, excuse me, some Federal appropriations for things like additional FBI agents to be involved in security. There is about an \$800 million package. Some of it is for personnel.

A security machine that is talked about a lot, and it's the only FAA-certified one, called the CTX-5000 that is in use in three -- there are three of them in use in the United States. The machines cost \$1 million. They are just in the early stages of production. To do a major airport like Newark, we

would probably need something like -- approaching 200 machines to be able to do all the access points in--

ASSEMBLYMAN CHARLES: That's 200 of those \$1 million machines?

MR. HALEY: Yes. If you are going to have all the checkpoints covered with those kinds of things.

The other issues in terms of-- No one has yet developed either a model and then priced it out in terms of saying, "Okay, this is the right level of training and qualifications and background that somebody at a screening point ought to have, and to elevate everybody up to those standards is going to require X." I can tell you that, again, if you look at the European model, the background and training of the people that are doing the interviewing and the screening is very different than the contract people that are used in the United States airports. I think that's going to get a lot of focus, and clearly there will be -- a dollar figure will develop out of that if there is a system-- And I think some of the discussion among the airlines and the associations with the Gore Commission is to look at going to both a common standard and perhaps have a company that provides these type of employees for all the airlines.

ASSEMBLYMAN CHARLES: Just on that point, will that also create a situation where the persons who are employed then are "more qualified, higher skilled persons" so that with that goes a higher pay to those people? Do you see that as a part of this upgrade, too?

MR. HALEY: It's been my experience that the two usually go together.

ASSEMBLYMAN CHARLES: Okay.

MR. HALEY: So I would think that's true. And clearly it does if you look at, again, at some other systems, they are paid much higher.

One of the problems, if you talk to the airlines, is retaining -- getting and retaining people, because the screening people are not well paid, and they move on as soon as they can find a better paying job. So the turnover rate, if you will, is a concern that we have. And we have found in our own experience-- We at the Port Authority have a higher standard of security guard. We pay them more. We train them a little better, and we have much less turnover with our security guards than the airlines do.

ASSEMBLYMAN CHARLES: So in those things that you just identified, the equipment, the personnel, and so on, that has a dollar figure which we can't put a number on now. What's your guess, at this point -- your view, at this point -- as to how that gets paid? I mean, is that something that's paid by the Port Authority? Is that paid by the Federal government? You mentioned some Federal government money. Is that paid by the airline? How do you see all of that increased dollar need being funded, from what sources? And as a part of that, are we going to get into tickets? I guess, if it's from the airline, it's going to affect the ticket price, too.

MR. HALEY: Well, I guess ultimately, and the sense that I'm getting, and we don't have a specific market research survey that I can point to, but the feedback we get from passengers at the airports is that -- and this is general; this is a generalization on our part -- most people would not mind paying a little bit extra on the cost of an airline ticket if they felt it meant that they were going to have a safer system. One of the things that you look at that you see again in other countries that have this high a level is a-- Basically, it's

a security surcharge that goes on to an airline ticket in some European countries.

In fact, we recently were asked a question by one of our board members, "Why don't we give out free luggage carts like the European airlines do? Why, when you get a luggage cart, do you have to pay to get one?" We looked at it, and for us to give out the luggage carts it would cost us something on the order of \$6 million to \$7 million a year in revenue with the three Port Authority airports. But we did call some European airports and we said, "Geez, how do you guys do this? How are you able to give these free carts out?"

They said, "Well, they're free, but they're really not, because we have a charge on the ticket that pays for the carts."

So I guess, in terms of what will be looked at nationally at funding sources, either looking at some sort of an overall congressional appropriation -- whether it be part of the annual budget process -- or certainly a specific charge similar to-- For example, we're collecting a passenger facility charge. We collect, right now, \$3 -- it's called a PFC, a passenger facility charge -- on tickets at our airports that will be used to fund airport access projects.

ASSEMBLYMAN CHARLES: Just on that one point, backing up -- Mr. Chairman, through you, my last question, so we can move on. That European security charge, how much is it in U.S. dollars, if you know?

MR. HALEY: I'm sorry, I don't know.

ASSEMBLYMAN CHARLES: Thank you, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Mr. Haley, the employees that work at the airport -- security people, baggage handlers, groundskeepers,

groundsmen who work with the airports filling the planes up -- what type of background checks are done on these employees?

MR. HALEY: Well, it depends. There is a total of 18,000 people who work at Newark Airport, for example.

ASSEMBLYMAN DeCROCE: Hit your mike again. (referring to amplification microphone)

MR. HALEY: Oh, I'm sorry. (witness complies) And anybody who is required to have a Port Authority ID -- we move now to expand on that population -- gets a 10-year employment check. We go back 10 years in verification. In some of the other positions with the airlines and baggage handlers, the airlines are responsible for doing their check. There are FAA standards for how far they have to look, but the check and the standards are less rigorous, for example, than our standards, and what -- it does not apply. It applies mostly to the screening personnel, not to everybody.

This is, again, an area that we're encouraging some change in.

ASSEMBLYMAN DeCROCE: Who do you make those recommendations to, the Gore Commission?

MR. HALEY: Yes, we will. And in addition to making the recommendations, as part of our 10-point plan, we have moved to require and will phase it in over the next year. We already have started it with any new employees, and we're in the process of changing any old employees of the contract firms who are going to do screening. We're going to require them to have a Port Authority ID, which means we get the opportunity to do a more extensive background check.

ASSEMBLYMAN DeCROCE: Do you need authority to do a full background check?

MR. HALEY: Well, they are not our employees. What we do is, we do an employment check, and certainly on our employees of the Port Authority, we can do a criminal check.

We don't have the ability, under the law, to do a full-fledged criminal check on anyone who works for anyone on the airport.

ASSEMBLYMAN DeCROCE: So you need a change in the Federal law?

MR. HALEY: That's certainly something that's we're talking about.

ASSEMBLYMAN DeCROCE: Is it something that should be recommended to the Gore Commission, don't you think?

MR. HALEY: Yes, we have recommended that they look at that.

ASSEMBLYMAN DeCROCE: Thank you, Mr. Haley.

Are there any further questions of Mr. Haley? (no response)

If not, we appreciate the fact that The Port of New York and New Jersey was kind enough to come out and, frankly, alert the general public as to what measures you are taking, so thank you so much for coming.

MR. HALEY: Thank you, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Now I'd like to call on Jack Penn, Executive Director of the Division of Aeronautics for the Department of Transportation for the State of New Jersey.

JOHN S. PENN: Thank you, Mr. Chairman and Committee members. Our security is a little different than the security you have been listening to,

but I think it's important, and I appreciate you inviting us to this important meeting today, Mr. Chairman.

Those of you who may not know me, my name is Jack Penn, and I'm the Executive Director of the Division of Aeronautics in the Department of Transportation.

I wish to thank you for this opportunity to appear before this Committee and give you some of the highlights of our efforts to continue and expand security at those airports where we have jurisdiction.

I would just like to say, we have jurisdiction over every airport in the State except Newark. Newark Airport is under the Port Authority. The only thing we do is license them.

Initially, I want you to know that we not only mirror your concerns about the safety of the flying public, but point out to you that the entire aviation community of New Jersey shares an active interest in maintaining a high level of flight safety from all points, including airport security.

To that end, the State of New Jersey, through the programs of the Division of Aeronautics, the Federal Aviation Administration, sponsors, and aircraft owners and operators of the State have spent or is in the process of spending more than \$1.5 million on security on local airports.

As examples, security fences that guard airports have been installed or are being installed at Cape May, Trenton Mercer, Trenton-Robbinsville, Morristown, Essex County, and Linden Airports. These fences and access guards are provided not only to protect that airport property, but are also designed to keep out intruders and unauthorized persons.

In addition to the security fencing, I would like to point out that this Division employs a staff of inspectors who regularly visit the 50 general aviation airports in New Jersey and maintain a regular watch to ensure that any unauthorized or suspicious actions or persons are reported to the proper enforcement agencies.

It may interest you to know that of all segments of the public, the aviation community is the only one to directly invest its own money, through the aviation fuel tax, in airport security. I only make this point to remind you, Mr. Chairman, of the hearings you so graciously held before the passage of the Transportation Trust Fund concerning aviation fuel taxes and to publicly thank you and the members of the Committee for your interest and encouragement.

I would like to conclude with our assurances to the Committee that the resources of the Division of Aeronautics are at your disposal in this important area and to tell you that it is our intention to maintain a high level of security for our pilots, our aircraft, and our passengers where we have that responsibility.

If you have any questions, I will try to answer them.

ASSEMBLYMAN DeCROCE: Thank you, Director. I'd like to ask you a few questions.

You have several airports that have commuting airlines running out of them.

MR. PENN: That's correct.

ASSEMBLYMAN DeCROCE: Have they provided you with a security proposal so that you are assured that measures are being taken in local

airports such as Mercer County? I think they have East Winds. I know Atlantic County has a couple of airlines -- Spirit Airlines, and maybe one or two others flying out of it on a regular basis. I don't know what else-- I don't think Morristown has anything flying out of it presently.

MR. PENN: They have 135 operations at Morristown and at Teterboro, but they don't have scheduled services at those airports. But they do emplane passengers, and their security is our concern, as well. There are employees in New Jersey-- In the 50 airports, we have almost 16,000 employees at these various airports, and most of the flying, matter of fact, 78 percent of the flying in New Jersey, is somehow business related.

ASSEMBLYMAN DeCROCE: Well, are they providing you with a specific plan?

MR. PENN: Yes, we have a compete operational plan for every airport in the State of New Jersey.

ASSEMBLYMAN DeCROCE: DOT is satisfied that this is sufficient to cover the safety measures that are necessary for each of the airports?

MR. PENN: We feel they are, Mr. Chairman. We have, as I said before in my testimony, inspectors who, a number of times a year -- even if we see a problem at an airport, it would be many times, maybe even on a weekly basis, we'll see that the airports are secure.

We've had incidents-- Especially, one of the things we suffer from more than the other airport is a lot of vandalism, and vandalism is a dangerous thing. When you destroy runway lights, when you destroy landing equipment at an airport, this is sabotage; it endangers the life of not only the pilot, but the

passengers onboard that flight. We have had to, on a number of occasions-- As a matter of fact, just down in Trenton-Robbinsville -- Glenn, you're probably aware of it -- we had a series of things where they broke in and destroyed all the landing lights down there, and we had to put in a new security fence around that airport.

So security spreads in many ways, not just from what we consider foreign terrorist acts, but also among some of our own disenfranchised citizens within the State.

ASSEMBLYMAN DeCROCE: Do you do background checks on your people?

MR. PENN: The people who work for us we do, yes.

ASSEMBLYMAN DeCROCE: How far back do you go?

MR. PENN: I would say that most of ours are a State check, which I think is a 10-year check, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Do you feel that is sufficient?

MR. PENN: Yes, I think it is.

ASSEMBLYMAN DeCROCE: Okay. Any other questions of the Director?

ASSEMBLYMAN WISNIEWSKI: Yes, Mr. Chairman.

ASSEMBLYMAN DeCROCE: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Director Penn, just a quick question about the aviation fuel tax. You said that money is used for airport security, correct?

MR. PENN: That fuel tax that is collected goes into the Aviation Trust Fund. The Aviation Trust Fund is used for, from our part, from our

participation-- Our money is derived from the fuel tax and through the Transportation Trust Fund, yes.

ASSEMBLYMAN WISNIEWSKI: Does any of that fuel tax Transportation Trust Fund money go for security at Newark Airport?

MR. PENN: No, it doesn't. They have their own source of funding. They are-- They have never applied to us for a grant.

ASSEMBLYMAN WISNIEWSKI: Okay. Are the airlines that are using the airport paying that tax?

MR. PENN: They do not pay the State taxes at Newark Airport.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

ASSEMBLYMAN DeCROCE: Anyone else?

ASSEMBLYMAN CHARLES: I'd just like to welcome our former colleague in the Assembly to this hearing this afternoon and just say, "Hi, Jack. Good seeing you, and keep up the good work."

MR. PENN: It's nice seeing you, too. Thank you.

ASSEMBLYMAN DeCROCE: Thank you, Director. We appreciate the fact that you came out today.

MR. PENN: Thank you.

ASSEMBLYMAN DeCROCE: I'd like to now call on Suse Lowenstein.

For those of you who are not familiar, Mrs. Lowenstein unfortunately lost family members in the 103 accident in Scotland and is kind enough, on short notice, unfortunately, to come here today and give us a statement.

I appreciate that. She's from my county, and I appreciate the fact that you came all the way down here. Thank you.

SUSE LOWENSTEIN: Thank you for inviting me.

I'm here to testify as the mother of my first born son, Alexander, who was 21 years old when he, along with--

ASSEMBLYMAN DeCROCE: Suse, hold on a minute, please. We're going to get your mike on. (referring to amplification microphone)

MS. LOWENSTEIN: Well, thank you again for inviting me to speak today. I'm here to testify as the mother of my first born son, Alexander, who was 21 years old when he, along with 269 other innocent victims were murdered on Pan Am Flight 103 over Locherbie, Scotland.

These victims, they were murdered for two reasons: First, because Libyan terrorists, sponsored by the government, planted the bomb in an unaccompanied suitcase that brought down the American flagship as it cruised at 31,000 feet; second, because security at Pan Am's check-in counters at Frankfurt and London were virtually nonexistent.

Had Pan Am obeyed the most basic rules imposed by the FAA, the unaccompanied suitcase containing the bomb would not have been placed on the aircraft; therefore, this tragedy could have well been prevented.

In response to the strong pressure of the victims' relatives, then President Bush ordered a presidential commission on aviation security and terrorism. The findings of this commission were astounding and deeply troubling. To state a few examples: nonfunctioning X-ray machines were used; security personnel with criminal records were employed; there was no

passenger baggage match; because of the holiday season, employees attended a Christmas party instead of being at their posts.

I could go on and on, but the facts are much better stated in this book, which I could highly recommend to any interested party. This is the Report on the President's Commission on Aviation Security and Terrorism, and I have to tell you, when it comes to aviation security and terrorism, this is the bible. It says it all.

The fact of the matter is, our nation's response to terrorism, particularly in respect to aviation security, is strictly reactive instead of proactive. In May 1990, one and a half years after the bombing of Flight 103, the President's Commission on Aviation Security and Terrorism was published. It is full of excellent recommendations for every area of aviation security.

Sadly, although many were mandated, practically none were implemented. Here we are again, now, six years after the President's Commission presented their findings, along with their recommendations, almost four months after another American flagship exploded in the skies, possibly caused by another terrorist bomb. We have another president issuing another Federal Aviation Authorization Act, called the Gore Commission.

Had we acted years ago, using the 1990 report, we now would have much less to worry about.

I'd like to tell you of an incident that my husband and I had at Newark Airport approximately three years ago. We were checked on a Continental flight to go to Washington, D.C. We arrived early, and we went through the X-ray machines and noticed that the young man behind the screen was looking everywhere except at the screen. We felt, "Well, maybe this was

just something he did right now, let's try again." We tried three more times. He did not once look at the X-ray screen.

Then my husband and I went to the manager's office -- the manager for airport security, where we got to talk to a young woman. She said, "Hold on a moment," and she came back with an empty hand grenade which she put into her handbag. We stayed back and observed how she went through this very same X-ray machine, with the same young man behind, three times. The grenade was never detected.

After this happened, she called the manager for security for Newark Airport. It took an hour for the man to show up. We missed our flight, but we felt it important to finish what we had started.

The moment he appeared, he was clearly unhappy and irritated at our report of what happened.

ASSEMBLYMAN DeCROCE: Who did he work for, Mrs. Lowenstein?

MS. LOWENSTEIN: Pardon me.

ASSEMBLYMAN DeCROCE: Who did he work for?

MS. LOWENSTEIN: From what I understood, he was the manager for the entire airport, for security.

ASSEMBLYMAN DeCROCE: The Port Authority, then.

MS. LOWENSTEIN: That's correct.

It was also clear that the young woman who helped us with the hand grenade was going to be reprimanded after we had left. That came across very clear.

So finally, we boarded our flight after the manager assured us that this young man would be pulled from his position, which he never did while we were there, and that he would have to be going to a retraining program, which lasts four days, before he would be put back onto his post.

Needless to say, experiences like these are extremely frustrating to us. After the Locherbie tragedy, the security act we helped pass ordered the FAA to devise a system of explosive detection for each bag, accompanied or not, and to have it in commercial use by November 1993. In Atlantic City, right here in New Jersey, an FAA tech center was set up in direct response to our call for accurate bomb detectors. There, the CTX-5000 was developed. As of now, about 25 machines were built. Only three are used in our own country, while the other 22 machines were sold abroad, which means we still are relying on the same useless X-ray machines and untrained people as we did in December 1988, almost eight years after Pan Am 103 exploded.

The cost of these efficient CTX-5000 are high. Each machine costs about \$850,000; however, we have an aviation slush fund, which is funded by part of every airline ticket purchased. Another way of raising funds would be to charge one more dollar on every ticket purchased. This would produce enough money so that in one year's time, enough machines could be purchased to check every single bag on every commercial flight.

Then we have the problem with the airport security personnel itself. What can we truly expect from a person whose income is just slightly above minimum wage. I wish I had a more positive picture to portray, but having been personally so deeply and painfully affected by the total lack of airport security, I feel most frustrated to know that basically nothing has

changed in the eight years since my son fell victim to this apathy, and I hope full heartedly that we wake up and do the right thing to protect our flying public.

I'd like to add that I have a very strong opinion in regards to what we heard the gentleman from the Port Authority talk about. I personally feel that it should not be up to the airlines to seek security for its passengers. I feel the airlines are in the business of transporting people and not of people security; therefore, I feel it needs to be an entire, separate force that deals with nothing but security.

Thank you.

ASSEMBLYMAN DeCROCE: I think that's what Assemblyman Bucco was trying to say. I think he was looking for a more centralized area in which overall responsibility would be with one agency as opposed to three or four, plus airlines. At Newark, we have the City of Elizabeth, we have the City of Newark, we have the Port Authority Police, plus each of the airlines. And as you can see, they don't even have the courtesy to come here today and say what they are trying to do. We got one, at least -- I will give Continental some credit. They did send us a letter, but they should have been here, too, telling us what in hell they're trying to do to make sure the general public is secure in air traveling, and they weren't here.

So I don't disagree with you. I'm sure very little has been done. Unfortunately, what you're mentioning probably should be taken up on the Federal level. I don't know if you've ever attended any Federal hearings in regard to this matter, whether it be the Gore hearings or presidential hearings, but obviously people like yourself should be there. We should be there, and

I'd advise that this Committee, Republican and Democrat alike, if we have the opportunity, we should get out there and really let them know what's happening at our local airports.

MS. LOWENSTEIN: But I would also, once more, reiterate the importance of this booklet, which you may be able to obtain from Senator D'Amato, who was on the commission, or our own Senator Lautenberg, who was on the commission.

It really is fantastic, and every question that has come up today, every concern, is covered in this report.

ASSEMBLYMAN DeCROCE: I only wish that this Committee had the latitude to prepare the proper legislation that could overrule a lot of things that are probably wrong and could be taken care of in that. And I don't know if we don't. We're going to take a good, hard look at it and see if there is any way we can help.

MS. LOWENSTEIN: Thank you.

ASSEMBLYMAN DeCROCE: Thank you for coming today. We do appreciate it.

Does anybody have a question for Mrs. Lowenstein? (no response)

Thank you very much, Mrs. Lowenstein.

MS. LOWENSTEIN: Thank you.

ASSEMBLYMAN DeCROCE: Is there anyone I missed who is in the audience, besides ones that I had marked down, who haven't signed up to be speakers today? (no response)

I'd like to call on Mr. Robert Bogan, Morris County Airport, Aero-New Jersey.

Hi, Mr. Bogan. You know, now you're in my backyard and Tony's backyard. We hear a lot about Morristown Airport, whether it's in my district or out of my district. It happens to be in Tony's district.

ROBERT BOGAN: I hope it's all good.

ASSEMBLYMAN DeCROCE: Usually.

MR. BOGAN: Okay.

Good afternoon. My name is Bob Bogan. I'm the Assistant Manager of Morristown Municipal Airport. I have the privilege of being the President of Aero-New Jersey, the State Association of Airport Owners and Operators. I also have the privilege this year of being President of the northeast chapter of the American Association of Airport Executives, so I've been talking to a lot of airport managers lately. And I can tell you that today there is no more important topic on the minds of airport managers in this region than airport security.

But today is no different than any other day. To us, this is not a new topic or a fad. We didn't just start thinking about airport security since TWA 800 or the Gulf War or Pan Am 103 or any other aviation tragedy or terrorist event. Airport security is a daily part of our job.

In the life of each airport, there are stages in development which cause changes in how we address airport security. Facility and aircraft activity growth escalate threat potentials and therefore may require a need to modify existing deterrents to meet a new potential threat.

There is a common benchmark established by the FAA for when, in the life of an airport, it must comply with FAA security standards. That benchmark is the establishment of scheduled air carrier service. Most airports in New Jersey have not grown to reach that benchmark. Most never will. Each airport grows at a different rate, and unfortunately, many airports don't grow at all. Right now, many airports in New Jersey do not attract enough of a threat to justify any changes in their current security measures.

So you understand where I'm going with this, let me tell you where I've been. I have not always lived in New Jersey. I used to be the manager of Grand Canyon National Park Airport in Arizona. The biggest threat at that airport were 1200-pound elk lifting up perimeter fence posts with their antlers. Before that, I was director of airport services for Avco Corporation's Management Services Division. I started with Avco in the Kingdom of Saudi Arabia in 1976. Our joint venture company held contracts for the operation and maintenance of 23 airports and 5 Saudi Air Force bases. One of my first assignments was the construction of approximately 55 miles of airport perimeter fencing and 165 airfield guard towers.

In Saudi Arabia at that time, the economically feasible deterrent to the perceived threat was barbed wire and armed guards, in effect, creating little aviation island fortresses in the desert.

What was the threat? At most of these airports the biggest threat was sand clandestinely shifting through the chain-link fence and collecting on the runway ends, covering up the runway markings. But at certain airports, there was concern that Bedouin tribesmen might make a night raid and ride

off with everything that wasn't locked up or tied down. And, of course, there was always the threat of armed invasion by neighboring countries.

New Jersey has 50 public use airports. Do we need 50 aviation island fortresses? Does every airport in the State need perimeter fencing and barbed wire and controlled access gates? Not right now.

As I said before, as each airport develops, changes occur which create different potentials for threat. The busier and bigger the facility, the more elaborate the deterrents needed. At most general aviation airports in New Jersey, factors which would attract a threat justifying aviation island fortress concepts just aren't there.

There are exceptions. For example, at Morristown Municipal Airport, the natural growth of aviation activity has brought with it a larger transient airport visitor population, forcing us to impose stronger physical barriers. Over the last two years, we have continued to seal the gaps between air side and land side activities using a six-foot fence in the terminal area to separate airplanes and runways from little old ladies who are lost, driving around in station wagons.

We have recently completed Phase I of a multistaged perimeter fence project to keep deer and the hunters of deer away from the airfield. We have just been awarded a State grant to install a card access vehicle gate to keep the curious and the scurrilous away from our main aircraft parking area.

The time has come in the life of Morristown airport for these projects to begin, but to suggest that we need to fence and gate every airport in New Jersey right now would not be prudent. Most small airports in New

Jersey have not grown large enough or busy enough to attract a threat to justify such a project.

In conclusion, I would like to suggest that New Jersey DOT Aeronautics continue addressing each public use security needs on an individual, case-by-case basis. A blanket, statewide program to create aviation island fortresses isn't necessary or justifiable. Small airports don't need to be treated the same as commercial air carrier facilities.

The operators of New Jersey's general aviation airports hope the State will continue to focus on airport security enhancements where they are needed, not where they aren't.

Thank you.

ASSEMBLYMAN DeCROCE: Mr. Bogan, do you do background checks on your people, and if you do, how far back do you go?

MR. BOGAN: We do preemployment background checks for three years. That's on our own people. We do not conduct background checks on any of our tenant employees. That's entirely up to the tenant employers.

ASSEMBLYMAN DeCROCE: Are they obligated by virtue of their lease to do that?

MR. BOGAN: No.

ASSEMBLYMAN DeCROCE: Don't you think they should? Let's face it, there could be a terrorist type situation occur in a little airport, as well, even though it may not have the impact of a TWA 800.

MR. BOGAN: I think there may be a conflict there, but a lot of the employees of the tenants are employees of *Fortune 500* companies, and I'm

not terribly familiar with their preemployment process, but I anticipate that from tenant to tenant, they all have different procedures.

ASSEMBLYMAN DeCROCE: But you have large jets that fly in and out of Morristown. I know there are some that fly out of other airports, as well.

MR. BOGAN: Yes, absolutely. Large jets meaning -- I assume you mean twin-engine jets, Gulfstreams, Lears, that kind of thing. Yes they do, and they're -- each tenant's security program is very tight, but I don't have any information that there is a uniform policy for preemployment checks for each of those tenants.

ASSEMBLYMAN DeCROCE: Are you a reliever airport for Newark at all?

MR. BOGAN: Yes.

ASSEMBLYMAN DeCROCE: Are there airports -- reliever airports for Newark?

MR. BOGAN: I believe there are a total of 10 designated reliever airports in the State of New Jersey.

ASSEMBLYMAN DeCROCE: Then I suggest you start beefing up your security, because I'm going to tell you something, if something happens at one of those airport's securities, we're going to have to step in. You know that.

MR. BOGAN: Well, we're working on the physical side of security. But there is a conflict about how far we can go to impose the employment procedures on other companies.

ASSEMBLYMAN BUCCO: I think, as the leasing out of facilities, you can put that in your lease agreements.

MR. BOGAN: Well, most of our lease agreements run 25 to 30 years. So yes, we could probably address that when those leases come up for renewal.

ASSEMBLYMAN BUCCO: I don't want to wait 25 years to find out Morristown Airport is going to be secure. I'd want to know about it today.

ASSEMBLYMAN DeCROCE: Not only Morristown, though.

ASSEMBLYMAN BUCCO: I'm talking about all of them, yes, but Mr. Bogan is from Morristown. I mean, it doesn't seem feasible that you are going to wait 25 years for a lease to run out so that you can renegotiate. And I think the *Fortune 500* companies should also have some obligation.

MR. BOGAN: The onus is on-- Certainly the onus is on the tenant, and the tenant has employees, and those employees are responsible for the operation of those aircraft. We don't operate the aircraft, the tenants do.

ASSEMBLYMAN BUCCO: I realize that, but the employees of the tenants also have access to the airport facilities. They're not just confined to one particular area, are they?

MR. BOGAN: They're confined to the most important part of the airport, which would be inside the AOA, and their aircraft.

ASSEMBLYMAN BUCCO: I rest my case.

ASSEMBLYMAN DeCROCE: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Chairman.

Just as a comment on the testimony, I think this highlights, again, the issues that were all raised with regard to the security at the Port Authority;

and that is, where the individual tenants are responsible for the security, you then run into varying standards, depending on how much resources and capital those tenants want to spend on security, how deep into backgrounds they want to get. There has to be some uniformity, especially where an airport is a reliever airport and there is the potential that at that reliever airport you are going to have some problem transferred into Newark Airport.

So I think, quite frankly, from a legal standpoint, you certainly, as the landlord, have the ability to set standards for your tenants to act under. And in terms of making sure that's a secure airport, I think that's an absolutely vital aspect for the landlord to be looking into.

MR. BOGAN: To give you a little clarification: The expression "reliever" refers to relieving general aviation traffic away from the commercial air carrier airport. It does not mean that we're going to take on scheduled air carrier service in time of a crisis at one of those air carrier airports. It merely means we're drawing off all of the general aviation, small aircraft, away from the air carrier airport so that they can operate more smoothly.

You're mixing apples and oranges. We're oranges, they're apples.

ASSEMBLYMAN DeCROCE: I'm not sure of that. I don't know. I'm not sure of that, because there are times when you are necessary to the airlines -- the commercial airlines. There may be a necessity for someone to use your facility, or another -- Mercer or Somerset.

MR. BOGAN: But the basis of a reliever program was to separate the general aviation traffic from the commercial -- the air carrier traffic.

As far as security for our tenants, they take security very seriously. They have a very tight program at all of the facilities at our airport, probably

tighter than commercial air carrier service airports, simply because it's a smaller facility. They have maybe one or two airplanes that they have to worry about. They have very limited access to their facility.

So we're very secure in the level of security with our tenants.

ASSEMBLYMAN DeCROCE: Okay.

Anyone else? (no response)

Thank you, Mr. Bogan.

Mr. John Alcott, President of the National Business Aircraft Association. Is he here? (no response) Apparently not. Okay.

Is there anyone else who would like to speak today? (no response)

One question I have of the Port Authority. I know there are a couple of you here. What is your minimum wage that you pay most of your people, frankly, at the airport?

ROBERT J. KELLY: (speaking from audience) For security guards?

ASSEMBLYMAN DeCROCE: Why don't you come up so you're on the record please.

PATRICIA MAYNARD: (speaking from audience) Bob Kelly, Director of Aviation.

ASSEMBLYMAN DeCROCE: I'm sorry.

MS. MAYNARD: Bob Kelly, Director of Aviation.

ASSEMBLYMAN DeCROCE: I'm sorry, Mr. Kelly. I know we've met. Mr. Bob Kelly, Director of Aviation for The Port Authority of New York and New Jersey.

MR. KELLY: The security guard contract that the Port Authority operates, particularly at Newark Airport, the weighted salary -- which includes

salary plus benefits -- for the individual guards is in the neighborhood of \$14 to \$15. The weighted salary for those of some airlines is closer to half of that.

ASSEMBLYMAN DeCROCE: What was that number again?

MR. KELLY: Between \$14 and \$15 is the weighted salary that we pay per hour for a security guard. That includes benefits and also whatever overhead is associated with the contractor. But that is not typical.

As John Haley mentioned in his testimony, the standards utilized by the Port Authority currently are higher. We imposed those in 1986 to try to maintain a higher level and a higher quality security guard.

ASSEMBLYMAN DeCROCE: Can you give the Committee an idea of what the airlines might pay for a minimum wage, frankly?

MR. KELLY: It varies from contract to contract, but in some cases it could be as little as one half of that.

ASSEMBLYMAN DeCROCE: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Chairman.

You said the weighted average is approximately 14. What's the bottom of the scale for security?

MR. KELLY: Excuse me. By weighted average I meant that it was the hourly salary paid to the employee plus the benefits that are included in, that are added on to that salary, and also whatever the overheads and profits the company might add to it. So I would say that the employee might receive in the neighborhood of maybe \$8 to \$8.50.

ASSEMBLYMAN WISNIEWSKI: So the starting salary for somebody coming into a security job, the bottom of the scale is \$8.50.

MR. KELLY: Those are the Port Authority contract guards. That is not typical of many of the other guards on the airport.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

MR. KELLY: And I'd be guessing if I came up with that.

ASSEMBLYMAN DeCROCE: Now, those people, are they contracted by the Port Authority? Is that a separate company in itself, and you're just doing-- They're contracted to work for the Port Authority?

MR. KELLY: That is correct. They become our agents, and we hire the contractor to perform that function, but only for those locations, such as the vehicular access points. All those that are in terminals work specifically for individual airlines, and they have a different rate structure than ours do.

ASSEMBLYMAN DeCROCE: Can you give me an idea of what that might be?

MR. KELLY: I'd be guessing, but it's something less than what I just described for the Port Authority, which was in the neighborhood of about -- I would say \$8 an hour salary, plus overheads.

ASSEMBLYMAN DeCROCE: Then they are just above the minimum wage, in all probability then.

MR. KELLY: Probably so, yes.

ASSEMBLYMAN DeCROCE: Okay.

Any further questions of Mr. Kelly? (no response)

Thank you very much, Mr. Kelly.

I would like to thank everybody for coming today to the hearing. We have no more to go over at this point, so thank you for being here.

(HEARING CONCLUDED)