

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1244

(Delegate Glass, *et al.*)

Environmental Matters

**Maryland Aviation Administration - Airport Security and Passenger Screening -
Private Contractor**

This bill requires the Maryland Aviation Administration (MAA) to contract, lease, or otherwise grant the exclusive privilege of operating security and passenger screening services at State airports. The contract, lease, or other agreement must be issued in accordance with specified provisions of the State Finance and Procurement Article and may not exceed 10 years. In addition, MAA must act with the approval of the Secretary of Transportation and under the direction of the Maryland Aviation Commission. MAA is authorized to determine the consideration paid for the contract, lease, or other arrangement for operating security and passenger screening services.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase in FY 2013 and future years to establish a contract for the provision of airport passenger screening services. The effect on TTF expenditures is likely significant, but it cannot be reliably estimated at this time. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The Maryland Aviation Commission, which oversees MAA, establishes policies for the Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall Airport) and approves policies and regulations for the

operation of Martin State Airport (MTN) and for major capital projects. The commission is under the organizational direction of the Maryland Department of Transportation.

MAA has responsibility for fostering, developing, and regulating aviation activity throughout the State. MAA is responsible for operating, maintaining, and developing the State-owned BWI Marshall Airport as a major center of commercial air carrier service in the State and MTN as a general aviation reliever facility and as a support facility for the Maryland Air National Guard and the Maryland State Police.

Airport Security

The U.S. Transportation Security Administration (TSA) is a division of the U.S. Department of Homeland Security and has jurisdiction over national aviation security. TSA oversees the airport security program, which requires airport operators to implement measures to ensure the safety and security of persons and properties in the air and airport areas. Among other things, TSA screens more than 1.7 million passengers a day at more than 450 airports nationwide; screens checked bags for explosives; conducts air cargo screening on domestic and international-outbound passenger aircraft; and implements daily background checks on over 15 million transportation-related employees. In accordance with federal law, TSA is responsible for screening all commercial airline passengers and baggage.

Security at the two airports owned by the State is currently provided by TSA, Maryland Transportation Authority (MDTA) police, and a private contractor. At BWI Marshall Airport, TSA conducts security screening of passengers and luggage in accordance with federal law, MDTA provides law enforcement services, and Akal Security provides unarmed security services. At MTN, similar to BWI Marshall Airport, MDTA police provide law enforcement services and Akal Security provides general security services. TSA does not have a passenger screening program at MTN because there is no regularly scheduled commercial air service; however, MAA meets quarterly with TSA on safety and security requirements for MTN.

MDTA police provide law enforcement services for the airport roadways, terminals, and airfields at both State airports in accordance with a Memorandum of Agreement (MOA) with MAA. This MOA is reviewed annually. MAA has a five-year contract, with an option for two one-year extensions with Akal Security to provide unarmed security guards for the two State airports.

Passenger and luggage screening does not currently take place at MTN; however, TSA has sole authority for all aspects of passenger and luggage screening at BWI Marshall Airport. Any potential contract, lease, or agreement to perform security screening at BWI Marshall Airport must be implemented by TSA. The same TSA security protocols

and standards that are implemented at all commercial airports nationwide must be implemented at BWI Marshall Airport.

TSA has authorized some airports to use private vendors to screen passengers and baggage. Through the screening partnership program, TSA manages the use of qualified private vendors to perform the screening of passengers and baggage at airports participating in the program. Airport authorities are eligible under the program to submit an application to TSA to use private contract screeners. There are 16 airports that currently participate in the screening partnership program. The private vendors must implement the same TSA security protocols and standards that are implemented at all commercial airports nationwide.

State Fiscal Effect: The bill requires MAA to contract, lease, or otherwise grant the operation of security and passenger screening services at State airports. Because MAA already contracts out law enforcement and security services at the State's two airports, the bill is partially consistent with current practice. As previously noted, the State does not currently implement passenger screening services. Thus, to the extent the bill requires MAA to establish passenger screening services at MTN, TTF expenditures increase in fiscal 2013 and future years to contract out the establishment and operation of a passenger screening program. The cost cannot be reliably estimated, but it is likely significant.

While the bill requires MAA to contract out passenger screening, this analysis assumes the bill does not impact the passenger and luggage screeners and operations at BWI Marshall Airport, as these services are under the exclusive jurisdiction of the federal government. Screening of passengers and luggage at BWI Marshall Airport must be conducted by TSA in accordance with federally determined procedures and protocols.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2012
mlm/lgc

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