

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1245 (Delegate Glass, *et al.*)
Environmental Matters

Maryland Aviation Administration - Airport Security - Training - Luggage
Search

This bill requires transportation security officers, passenger screeners, and luggage screeners at State-owned airports to be certified by the Secretary of State Police as having received training in specified search protocol. The Maryland Aviation Administration (MAA) must require that (1) passengers are present when their luggage is searched; and (2) luggage is searched only by certified individuals.

Fiscal Summary

State Effect: To the extent State and private security officers must be certified, even though they do not currently conduct passenger and luggage screening, Department of State Police general fund expenditures may increase in FY 2013 and future years to conduct certifications. However, any increase in expenditures 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 (MDOT).

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. Currently, passengers with carry-on luggage are present if their bags are searched. However, passengers may not be present when their

checked luggage is searched, since suspicious bags are automatically separated from other bags and deposited in a secure screening area. MAA advises that it is not practical or prudent from a security standpoint to have owners of checked luggage present.

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 Impact: The bill requires transportation security officers, passenger screeners, and luggage screeners at BWI Marshall Airport and MTN to be certified by the Secretary of State Police as having been trained in specified search protocol. To the extent the bill requires MDTA police officers and Akal Security officers at BWI Marshall Airport and MTN to be certified in specified search protocol, even though they do not currently conduct passenger and baggage screening, Department of State Police (DSP) general fund expenditures may increase in fiscal 2013 and future years to conduct certification. However, any increase in expenditures cannot be reliably estimated at this time, as it would depend on the scope and method of certification DSP employs.

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 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, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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