



**Transportation
Security
Administration**

U.S. Department of Homeland Security
Transportation Security Administration
737 Albany-Shaker Road, Suite 121
Albany, NY 12211

Friday, August 10, 2012

RECEIVED AUG 13 2012

[REDACTED]
Port Authority of New York and New Jersey
Stewart International Airport
1180 First Street
New Windsor, NY 12553

CC: [REDACTED]
CC: [REDACTED]
CC: [REDACTED]

RE: Case No. [REDACTED]

LETTER OF INVESTIGATION

Dear Mr. Richard Heslin,

The Transportation Security Administration (TSA) at Albany, New York is investigating alleged violations of the Transportation Security Regulations (TSR), 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), 49 C.F.R. § 1542.203 (b) (1), 49 C.F.R. § 1542.203 (b) (2), 49 C.F.R. § 1542.205 (b), and the Stewart International Airport Security Program.

Specifically, from June 13, 2012 through June 20, 2012, the Albany Field Office of the Transportation Security Administration noted multiple alleged violations at Stewart International Airport (see enclosure for specifics).

These incidents represent a failure on Stewart International Airport's part to comply with 49 CFR 1540 regulations, 49 CFR 1542 regulations, and the Airport Security Program. An airport operator found to be in violation of these regulations is subject to a Civil Penalty of up to \$11,000.00 per violation.

As part of TSA's investigation into the circumstances of this alleged violation, we are providing this opportunity for you to submit, in writing, any information regarding this matter. This information should be submitted within 20 calendar days of your receipt of this letter, and should be sent to Transportation Security Inspector Blankenberger at the address listed above.

Any information you provide will be duly considered in our investigation. If you do not respond within the specified time (or within an extension of time granted by the undersigned), an investigative report will be completed without the benefit of your input.

[REDACTED]
Federal Security Director
Albany, New York 12211

Enclosure



STEWART INTERNATIONAL AIRPORT ALLEGED VIOLATIONS

- Prior to the Air Operations Area (AOA)/Security Identification Display Area (SIDA) perimeter road construction project at Stewart International Airport (SWF), SWF modified escort procedures in SWF's Airport Security Program (ASP) by instructing the project's contractors to carry-out modified escort procedures without informing or receiving approval from the Transportation Security Administration (TSA). This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 4.4, SWF ASP Section 9.1.e, SWF ASP Section 9.1.ii, SWF ASP Section 11.2.F.2, SWF ASP Section 11.2.I, SWF ASP Appendix 8, SWF ASP Appendix 14 Section I.B.d, and SWF ASP Appendix 14 Section I.B.f.
- On June 15, 2012, at approximately 1350 hours, Transportation Security Inspector [REDACTED] observed [REDACTED] allow a dump truck driven by [REDACTED] access to the AOA/Security Identification Display Area (SIDA) without checking [REDACTED] license or issuing him a vehicle escort placard at SWF AOA Vehicle Gate 15. SWF ASP Appendix 8 did not indicate AOA Vehicle Gate 15 access control measures incorporated the use of a security guard. [REDACTED] was not provided a "Stop List" of individuals unauthorized to access the AOA/SIDA. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 4.4, SWF ASP Section 9.1.ii, SWF ASP Section 11.2.F.2, SWF ASP Section 15.2, SWF ASP Appendix 8, and SWF ASP Appendix 14 Section I.B.d.
- On June 15, 2012, at approximately 1355 hours, [REDACTED] observed [REDACTED] unescorted in the AOA/SIDA at SWF. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 9.1.e, SWF ASP Section 9.1.ii, SWF ASP Section 11.2.F.2, SWF ASP Section 11.2.I, SWF ASP Appendix 14 Section I.B.d, and SWF ASP Appendix 14 Section I.B.f.
- On June 18, 2012, at approximately 1053 hours, [REDACTED] were conducting surveillance of Vehicle Gate 17 and observed a "Speedway Trucking" dump truck enter the AOA/SIDA without being issued an escort placard or surrendering his license to the posted [REDACTED]. [REDACTED] was not provided a "Stop List" of individuals unauthorized to access the AOA/SIDA. SWF ASP Appendix 8 did not indicate AOA Vehicle Gate 17 access control measures incorporated the use of a security guard or lock and key. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 4.4, SWF ASP Section 9.1.ii, SWF ASP Section 11.2.F.2, SWF ASP Section 15.2, SWF ASP Appendix 8, and SWF ASP Appendix 14 Section I.B.d.

SENSITIVE SECURITY INFORMATION

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration, or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. Government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.



STEWART INTERNATIONAL AIRPORT ALLEGED VIOLATIONS

- On June 18, 2012 [REDACTED] observed [REDACTED] who did not complete SWF AOA driver training, operating a pick-up truck on the AOA/SIDA. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 11.2.F.2, and SWF ASP Appendix 14 Section I.B.d.
- On June 18, 2012, at 1732 hours, [REDACTED] gained unescorted access to the SWF AOA/SIDA through SWF Door 1A at Building 2269. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), 49 C.F.R. § 1542.203 (b) (1), 49 C.F.R. § 1542.203 (b) (2), 49 C.F.R. § 1542.205 (b), SWF ASP Section 4.3, and SWF ASP Section 4.4.
- SWF modified access control procedures at Building 2269 by coordinating with Federal Express Corporation to control access via interior doors not controlled by SWF or listed in the SWF ASP Appendix 8. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), 49 C.F.R. § 1542.203 (b) (1), 49 C.F.R. § 1542.203 (b) (2), 49 C.F.R. § 1542.205 (b), SWF ASP Section 4.3, SWF ASP Section 4.4, and SWF ASP Appendix 8.
- On June 19, 2012 [REDACTED] discovered that posted [REDACTED] authorized United Parcel Service (UPS) drivers access to the AOA/SIDA at SWF after ensuring the driver had a valid SWF SIDA badge at AOA Vehicle Gate 20. [REDACTED] provided access to the SWF AOA/SIDA for UPS drivers by using his SWF SIDA badge and personal code at Vehicle Gate 20's card reader. SWF ASP Appendix 8 did not indicate AOA Vehicle Gate 20 access control measures incorporated the use of a security guard. This incident represents a failure on SWF's part to comply with 49 C.F.R. 1542.101 (a) (1), SWF ASP Section 11.2.G, SWF ASP Section 11.2.H, SWF ASP Appendix 8, and SWF ASP Appendix 14 Section I.B.e.
- On June 20, 2012, 0925 hours, [REDACTED] observed a dump truck driven by [REDACTED] exiting AOA Vehicle Gate 17 from the AOA/SIDA without an escort present. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), SWF ASP Section 9.1.e, SWF ASP Section 9.1.ii, SWF ASP Section 11.2.F.2, SWF ASP Section 11.2.I, SWF ASP Appendix 14 Section I.B.d, and SWF ASP Appendix 14 Section I.B.f.
- On June 20, 2012, at 1002 hours, [REDACTED] gained unescorted access to the SWF AOA/SIDA through SWF Door 1A at Building 2269. This incident represents a failure on SWF's part to comply with 49 C.F.R. § 1540.105 (a) (1), 49 C.F.R. § 1542.101 (a) (1), 49 C.F.R. § 1542.107 (b), 49 C.F.R. § 1542.107 (c), 49 C.F.R. § 1542.107 (d), 49 C.F.R. § 1542.203 (b) (1), 49 C.F.R. § 1542.203 (b) (2), 49 C.F.R. § 1542.205 (b), SWF ASP Section 4.3, and SWF ASP Section 4.4.

SENSITIVE SECURITY INFORMATION

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration, or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. Government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.