

**INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT
PUBLIC TRANSPORTATION BASELINE ASSESSMENT FOR SECURITY
ENHANCEMENT (BASE) PROGRAM**

1652-NEW

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. (Annotate the CFR parts/sections affected).***

The Transportation Security Administration's (TSA's) authority with respect to transportation security is comprehensive and supported with specific powers related to the development and enforcement of regulations, security directives (SDs), security plans, and other requirements. For example, under the Aviation and Transportation Security Act (ATSA)¹ and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for "security in all modes of transportation . . . including security responsibilities . . . over modes of transportation that are exercised by the Department of Transportation."² Consistent with this authority, TSA is the federal agency responsible for "assess[ing] the security of each surface transportation mode and evaluate the effectiveness and efficiency of current Federal Government surface transportation security initiatives." EO 13416, section 3(a)(Dec. 5, 2006). While many public transportation systems have security and emergency response plans or protocols in place, no single database exists, nor is there a consistent approach to evaluating the extent to which security programs are in place across public transportation systems.

The Baseline Assessment for Security Enhancement (BASE) program is one piece of a much larger domain awareness, prevention, and protection program in support of TSA's and the Department of Homeland Security's (DHS) missions. The Public Transportation Base is a completely voluntary program. There are no penalties for declining to participate nor for not having any voluntary security elements in place. TSA initially developed the BASE program for public transportation systems to evaluate the status of security and emergency response programs throughout the nation.³ In particular, a BASE review assesses the security measures of a transportation system and gathers data used by TSA to address its responsibilities, such as evaluating "effectiveness and efficiency of current Federal Government surface transportation security initiatives" and developing modal specific annexes to the Transportation Systems Sector Specific Plan that include "an identification of existing security guidelines and requirements and any security gaps...." See EO 13416, Sec. 3(c)(i).

Reflecting its risk-based prioritization, TSA primarily conducts public transportation BASE reviews on the top 100 transit systems in the country, as identified by the Federal Transit

¹ Pub. L. 107-71 (Nov. 19, 2001), codified at 49 U.S.C. § 114.

² 49 U.S.C. § 114(d).

³ A separate program within TSA also conducts BASE reviews to assess security measures related to highway transportation, notice of which will be published separately in the Federal Register and an ICR will be submitted separately to OMB.

Administration (FTA).⁴ Public transportation includes buses, rail transit, long-distance rail, and other, less common types of service (cable cars, inclined planes, funiculars, and automated guideway systems). Public transportation can also include “demand response services” for seniors and persons with disabilities, as well as vanpool/rideshare programs and taxi services operated under contract with a public transportation system.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Trained TSA employees conduct BASE reviews during site visits with security and operating officials of public transportation systems. Inspectors capture and document relevant information using a standardized electronic checklist. Advance coordination and planning ensures the efficiency of the assessment process. Stakeholders may also obtain a checklist in advance from TSA and conduct self-assessments of their security readiness.

The BASE checklist guides the collection of information and encompasses review of security plans, programs, and procedures employed by public transportation systems in implementing the recommended TSA/FTA Security and Emergency Management Action Items for Transit Agencies (Action Items).⁵ During a review, inspectors collect information from the review of a public transportation’s system documents, plans, and procedures; interviews with appropriate public transportation system personnel to gain process insight; and system observations prompted by questions raised during the document review and interview stages. TSA subject matter experts can then analyze this information.

A BASE review evaluates a public transportation system’s security program components using a two-phased approach: (1) field collection of information, and (2) analysis/evaluation of collected information. The information collected by TSA through BASE reviews strengthens the security of public transportation systems by supporting security program development (including grant programs), and the analysis/evaluation provides a consistent road map for public transportation systems to address security and emergency program vulnerabilities. In addition, a public transportation system that undergoes a BASE review is provided with a report of results that can be used by the system to identify and prioritize vulnerabilities to enhance security. The report includes a score derived from a checklist. The checklist is category and question based and both are weighted. Each category is scored. The BASE score is an average of all categories. Depending on the BASE score a public transportation system may receive an award for achieving a score of 90% or greater and no category score less than 70%.

Specifically, the information collected will be used as follows:

⁴ A current list of the top 100 transit systems can be viewed on the National Transit Database website at <http://www.ntdprogram.gov/ntdprogram/>.

⁵ Available for download at http://www.tsa.gov/assets/pdf/mass_transit_action_items.pdf.

1. To develop a baseline understanding of a public transportation system's security and emergency management processes, procedures, policies, programs, and activities against security requirements and recommended security practices published by TSA and FTA.

2. To enhance a public transportation system's overall security posture through collaborative review and discussion of existing security activities, identification of areas of potential weakness or vulnerability, and development of remedial recommendations and courses of action.

3. To identify programs and protocols implemented by a public transportation system that represent an "effective" or "smart" security practice warranting the sharing of information across the public transportation system community as a whole to foster general enhancement of security.

4. To inform TSA's development of security strategies, priorities, and programs for the most effective application of available resources, including funds distributed under the Transit Security Grant Program, to enhance security in the Nation's public transportation sector.

If information in completed assessments constitutes "Sensitive Security Information" (SSI) pursuant to 49 CFR parts 15 and 1520, TSA will designate and mark the data as SSI and protect it in accordance with the requirements set forth in those regulations. Public transportation systems identifying vulnerabilities in a BASE self-assessment may constitute SSI and, if so, should be protected and marked according to 49 CFR parts 1520.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]**

The majority of the information collected relevant to a BASE review is through the site visit. During BASE reviews, inspectors capture and document relevant information through electronic means, utilizing an electronic checklist, in compliance with GPEA.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

TSA has searched for similar information from our Federal partners in DHS/FTA, but has found no other sources collecting information that is covered by the public transportation system BASE program. TSA has found that vulnerability assessments conducted by other agencies concentrate on specific assets, yielding information that is not of sufficient breadth to enable TSA to assess effectively the public transportation industry's security posture.

TSA is sensitive to the burden on the industry from complying with requests for information and has taken appropriate steps to avoid overlap where possible.

- 5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.***

Although TSA plans to collect information from businesses of all sizes, there is minimal potential burden to small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.***

If this collection is not conducted, TSA will be unable to assess current security practices in the public transportation sector, and will, therefore, be unable to fully exercise its oversight authority as provided for under ATSA and delegated authority from the Secretary of Homeland Security. If the information collection is conducted less frequently, TSA's ability to compare data collected at different sites will be diminished.

This program provides TSA with real-time information on current security practices within the public transportation sector. This information allows TSA to adapt programs to the changing threat, while incorporating an understanding of the improvements owners/operators make in their security posture. Without this information, the ability of TSA to perform its security mission would be severely hindered. Additionally, the relationships these face-to-face contacts foster are critical to the Federal Government's ability to quickly reach out to public transportation systems to respond to any incidents.

- 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).***

TSA will conduct this collection in a manner consistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

TSA is in continuous dialogue with public transportation system stakeholders. TSA published a 60-day notice in the Federal Register on May 30, 2012 (77 FR 31866), and published a 30-day notice on November 30, 2012 (77 FR 71430); two public comments were received in response to the 60-day notice.

One commentor does not agree on the decentralization of the surface program, and requested that TSA would consider the recommendations of assessing current and anticipated duties of surface inspectors and eliminating practices that undermine efforts to establish a more transparent chain of command for STSI's. The commentor would like TSA to consider and address these concerns during the rule-making process. TSA's response; "The concerns from the commentor are noted, and TSA Leadership will continue to monitor and implement the chain-of command structure in the most effective manner to meet the mission requirements."

The second commentor believes that the BASE assessment is not a good measure of day-to-day security practices or strategies. TSA responded to the commentor that "The BASE is not designed to be a central repository of best practices. The BASE identifies strengths and weaknesses on 17 different areas of a system. This data is then scored/weighed and "baseline" is established for that Agency/System. OSPIE evaluates this information to identify best practices and compiles this list. We do and will continue to identify best practices."

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

TSA will not provide payment or gift to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

TSA assures respondents that their responses are deemed Sensitive Security Information and will be handled if such, as described in 49 CFR parts 15 and 1520. TSA does not offer assurance of confidentiality to the respondents.

11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

TSA does not ask questions of a private or sensitive nature.

12. Provide estimates of hour burden of the collection of information.

The estimated annual hour burden for this information collection is 6,440 hours. This estimate is based on TSA inspectors conducting an average of 140 visits for FY'12, each public transportation system visit lasting approximately 46 hours (140 X 46 = 6,440).

Hour Burden for Information Collection		
Number of Respondents	Hour Burden Per Visit	Annual Burden
140	46	6,440 hours

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

No costs are associated above and beyond the respondent burden hours.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.

The annualized cost to the Federal Government is approximately \$1,025,367.00.

Cost to the Federal Government		
Annual Inspector Visits	Cost Per Visit	Annual Cost
140	\$7,324.05	\$1,025,367.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The PUBLIC Transportation BASE Program is a new initiative, replacing the Highway CSR Program (former OMB control number 1652-0036). Upon approval of this collection CSR Highway 1652-0036 will be discontinued. The PUBLIC Transportation BASE Program form is built upon the previous CSR form, but has been revised and adapted to more specifically reflect aspects relevant to the public transportation mode (buses, rail transit, long-distance rail, and other, less common types of service-cable cars, inclined planes, funiculars, and automated guideway systems.) The form has also been adapted to include “demand response services” for seniors and persons with disabilities, as well as vanpool/rideshare programs and taxi services operated under contract with a public transportation system.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

TSA will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

TSA is not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

TSA is not seeking any exceptions.