

## **INFORMATION COLLECTION SUPPORTING STATEMENT**

### **HIGHWAY 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)<sup>1</sup> 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."<sup>2</sup> 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 highway entities 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 highway systems.

In the past, TSA has met this assessment requirement through Corporate Security Reviews (CSRs) with organizations engaged in transportation by motor vehicles and those that maintain or operate key physical assets within the highway transportation community (former TSA OMB control number 1652-0036). At this time, TSA is consolidating some assessment programs within surface modes of transportation. As part of this effort, the former Highway CSR will become a Baseline Assessment for Security Enhancement (BASE). This will provide for greater consistency as TSA also has a BASE program to evaluate the status of security and emergency response programs on transit systems throughout the nation; this program operates similarly to the CSRs. While this is a continuation of an existing program, TSA is treating it as a new action for purposes of the PRA.

The 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 Highway 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

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

<sup>2</sup> 49 U.S.C. § 114(d).

of security and emergency response programs throughout the nation.<sup>3</sup> 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....” EO 13416, Sec. 3(c)(i)

**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.**

The Highway BASE program will be used to assess the security baseline for the highway sector industry partners. The potential scope for reviews includes school bus, motor coach, trucking (excluding hazardous materials (Hazmat) carriers/shippers), State Departments of Transportation, State Departments of Education, and privately-owned assets such as bridges and tunnels throughout the Nation.

Trained TSA employees will conduct BASE reviews during site visits with security and operating officials of highway sector partners. The TSA employee will 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.

A BASE review evaluates a highway modal entity’s security program components using a two-phased approach: (1) field collection of information and (2) analysis/evaluation of collected information. TSA will collect information on the following topics: management and accountability, personnel security, physical security, and vehicle security. As part of the field assessment, TSA conducts voluntary face-to-face visits at the company/agency headquarters or facility. Typically, TSA sends one to two employees to conduct a two to four hour discussion and interview with representatives from the company/agency owner/operator. During the site visit, TSA personnel complete the Highway BASE checklist which asks questions on the these topics. Information is gathered from the entity’s documents, plans, and procedures in addition to interviews with appropriate company personnel, which allows TSA to gain process insight, and facility observations that verify information gathered during the document review and interview stages.

The review will measure the degree to which security elements are known and implemented by stakeholders now and in the future. The Highway BASE process will align information regarding highway and motor carrier security efforts with other TSA risk-reduction efforts and provide a resource for industry partners to identify corrective action options to consider by compiling security smart practices to share with stakeholders. TSA will also be able to

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<sup>3</sup> A separate program within TSA also conducts BASE reviews to assess security measures related to public transit systems, notice of which will be published separately in the Federal Register and a separate ICR will be submitted to OMB.

make policy and programmatic decisions to improve the overall security posture within the surface transportation community. The data collected may also inform development of security guidelines, best practices, and lessons learned for the stakeholder community. Respondents are major transportation asset owners and operators, as described below. Participation is voluntary.

The TSA team analyzes the owner/operator's security plan, asks questions from the Highway BASE checklist and derives scores based on the respondent's answers and supporting evidence. In addition to reviewing any documents related to security plans, TSA will tour the site and interview the owner/operator's security coordinator, employees, and contractors.

TSA subject matter experts can then analyze this information. The information collected by TSA through BASE reviews strengthens the security of highway systems by supporting security program development (including grant programs) and the analysis/evaluation provides a consistent road map for highway systems to address security and emergency program vulnerabilities. In addition, each highway entity that undergoes a BASE assessment is provided with a report of results that is used in security enhancement activities. Specifically, the information collected will be used:

1. To develop a baseline understanding of a highway entity's security and emergency management processes, procedures, policies, programs, and activities against security requirements and recommended security practices published by TSA.
2. To enhance a highway entity'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 highway entity that represent an "effective" or "smart" security practice warranting sharing with the highway community as a whole to foster general enhancement of security in the highway surface mode.
4. To inform TSA's development of security strategies, priorities, and programs for the most effective application of available resources.

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. For those stakeholders that obtain a checklist in advance and conduct self-assessments, certain information within the self-assessment may constitute SSI and, if so, should be protected and marked according to 49 CFR part 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, TSA employees 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 and the Department of Transportation, but has found no other sources collecting information sufficiently similar to that covered by the Highway 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 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. While TSA is the lead federal agency for all modes of transportation, at this time TSA has decided to not conduct the Highway BASE of hazardous material carriers and shippers in order to avoid duplication with Federal Motor Carrier Safety Administration (FMCSA) assessments for compliance with requirements of the Pipeline and Hazardous Materials Administration (PHMSA).

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 highway mode segment of the 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 highway mode of the surface 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 highway mode of transportation stakeholders to respond to any incidents in this transportation mode.

**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 published a 60-day notice in the Federal Register on May 29, 2012 (77 FR 31632), and published a 30-day notice on November 30, 2012 (77 FR 71431); Four public comments were received. Two were unrelated to the information collection request. *Government Security News* published an article in their June 2012 edition summarizing the 60-day notice in the Federal Register. The two remaining comments were in response to this article and consisted of requests for further information about the BASE program. TSA responded to both inquiries with the requested program information.

**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 gifts 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 as such, as described in 49 CFR parts 15 and 1520. TSA does not offer assurance confidentiality.

**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 3,000 hours. This estimate is based on TSA Transportation Security Inspectors-Surface (TSI-S) and other personnel conducting an average of 750 visits for FY'12, each visit lasting 2-4 hours (750 X 4 = 3,000).

<b>Hour Burden for Information Collection</b>		
Number of Respondents	Hour Burden Per Visit	Annual Burden
750	≤4 hours	≤3,000 hours

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

TSA does not estimate a cost to the industry beyond the hour burden detailed in response to question 12.

**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 \$96,600. The only cost to TSA is payroll, which is already being incurred, and localized travel. Local travel for the 738 Highway BASEs conducted by trained TSA employees will cost an average of \$100 per review (\$100 X 738 = \$73,800). There will be some non-localized Highway BASEs completed by other TSA personnel with costs listed below.

<b>Cost to the Federal Government</b>			
Annual Visits (non-local travel)	Annual TSI-S Visits (local travel)	Cost Per Visit	Annual Cost

12		\$1,900	\$22,800
	738	\$100	\$73,800
<b>TOTAL COST</b>			<b>\$96,600</b>

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

The Highway 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 Highway BASE Program form is built upon the previous CSR form, but has been revised and adapted to more specifically reflect aspects relevant to the highway mode (owner/operators of school buses, motor coaches, and trucking companies), highway bridges and tunnels, and relevant state agencies.

The use of local TSA field personnel enables TSA to expand the number of Highway BASE reviews conducted per year and also reduces the cost to the Federal Government by decreasing HQ travel expenses (compare approximately \$1,900 per Transportation Security Specialist per visit to approximately \$100 of local travel expenses per TSA field personnel visit).

**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 information 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 to the statement in Item 19.