

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Security Training Programs for Surface Mode Employees**

### **Notice of Proposed Rulemaking**

- 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 (TSA) has broad authority with respect to transportation security and supported with specific powers related to the development and enforcement of regulations 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>

The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), requires the development, submission to TSA for approval, and implementation of a security training program for frontline employees of certain surface transportation providers.<sup>3</sup> Because of this mandate, TSA is publishing a notice of proposed rulemaking (NPRM) that would require the collection of information to implement the regulatory requirements.

- 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.***

TSA will collect and use this information to validate compliance with the regulatory requirements. For purposes of this NPRM, the regulated person (the person responsible for compliance and liable for failure to comply) is the owner/operator of the public transportation systems, railroads, and over-the-road bus companies within the proposed applicability.

Security Training Program. Each person required to have a security training program would be required to submit the program to TSA for approval to ensure that the program meets the required program elements. TSA would then review the program

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<sup>1</sup> Pub. L. 107-71; 115 Stat. 597 (Nov. 19, 2001).

<sup>2</sup> 49 U.S.C. § 114(d).

<sup>3</sup> See Pub. Law 110-53; 121 Stat. 266 (Aug. 3, 2007) at sections 1408 (public transportation) 1517 (railroads); and 1534 (over-the-road (OTRB) buses).

submitted to verify that the training program satisfies the regulatory requirements. TSA would use the information collected to approve the training program, or provide changes necessary to be compliant with the regulation.

Security Training Records. Each person required to have a security training program would be required to maintain records to validate compliance with the regulation. They would need to retain records at the location(s) specified in the security training program for no less than five years from the date of training. Owner/operators would be required to make the records available to TSA upon request for inspection and copying.

Security Coordinator Information. Each person subject to the regulatory requirements would be required to designate, and provide to TSA the contact information of a primary and at least one alternate Security Coordinator. This information collection applies to populations not currently covered under OMB 1652-0051 (Rail Transportation Security), which reflects the requirements in current 49 CFR part 1580. Security Coordinator contact information submitted to TSA would provide a primary contact for intelligence information, security related activities, and communications with TSA concerning threat information, security procedures, or coordinating incident or threat responses with appropriate law enforcement and emergency response agencies.

Reporting Significant Security Concerns Information. Each person subject to the regulatory requirements would be required to report potential threats and significant security concerns to TSA, within 24 hours of initial discovery. This information collection applies to populations not currently covered under OMB 1652-0051 (Rail Transportation Security), which reflects the requirements in current 49 CFR part 1580. TSA uses this reported information to analyze trends and indicators of developing threats and potential terrorist activity.

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.]***

TSA will comply with the GPEA to reduce the burden on covered entities by encouraging electronic submissions and retention of the information collections in this NPRM.

Security Training Program. Each person subject to the regulatory requirements could submit their respective security training programs electronically, through email, or by regular mail.

Security Training Records. Each person subject to the regulatory requirements would have the latitude and flexibility to maintain the required security training records in a manner that best meets their particular needs, including maintaining the information electronically. An owner/operator could maintain and transfer records through electronic transmission, storage, and retrieval if they meet the standards required by the proposed rule.

Security Coordinator Contact Information. Security Coordinator Contact Information will be collected via email or regular mail.

Reporting Significant Security Concerns Information. TSA will collect significant security concerns and associated information telephonically or by other electronic means.

**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.**

In order to avoid duplication of other reporting requirements, in the initial submission of the information collection request (ICR), TSA determined that the Coast Guard is the federal point of contact for reporting all hazardous substances releases and oil spills to inform response and recovery efforts. TSA's purpose for collecting this information is not oriented to accidents but rather to discern potential threats and significant security concerns. Additionally, information will be collected to determine if a covered entity's security sensitive employees are being provided effective security training and to establish a seamless and expeditious capability to contact industry for communicating intelligence information. TSA contacted the relevant modal administrations of the Department of Transportation (DOT), including the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA); and the Nuclear Regulatory Commission who concur that these reporting requirements are not duplicative of their respective requirements because each supports a particular agency mission and programmatic purpose.

**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.**

This collection does not have a significant impact on a substantial number of small businesses or other small entities. TSA's methods to minimize the burden associated with this collection include the following:

- TSA has made voluntary guidance and free training programs that could assist the each person subject to the regulatory requirements to comply with the requirements in the NPRM. Such information allows owner/operators to adopt or modify an existing training program, which can significantly reduce any development costs that would otherwise be necessary to comply with this NPRM. Furthermore, TSA conducts voluntary reviews and free workshops throughout the country, which provide owner/operators with a variety of tools that may assist with compliance.

- To help ease the burden this information collection creates, TSA encourages the submission of information electronically where appropriate.

**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 the information is not collected in the manner prescribed by this NPRM, TSA will not be able to achieve the congressionally mandated requirement set forth in the 9/11 Act. Lack of this information will hinder TSA's responsibility to assess vulnerabilities and impose requirements to protect the traveling public and secure the Nation's surface transportation system.

Security Training Program. Without the collection of security training programs of from persons subject to the regulatory requirements, TSA would be unable to verify if regulated owner/operators are fulfilling the requirements of this regulation or provide feedback when a security training program warrants modification. If TSA determines the program submitted meets the regulatory requirements, the owner/operator would not need to submit additional programs to TSA until updates are required. If modifications were required, the owner/operator would need to re-submit their training program as many times as necessary to obtain TSA-approval. As such, it is not practical for TSA to reduce the frequency of collection.

Security Training Records. Without a security training records requirement, TSA would be unable to verify that a person subject to the regulatory requirements is complying with the rule's requirements in the manner and schedule stipulated in the TSA-approved training program. A less frequent retention schedule would adversely affect the inspection process and impede verification of compliance with a regulatory requirement.

Security Coordinator Information. TSA is responsible for sharing intelligence and other risk information relevant to the transportation industry. Lack of security coordinator information impedes TSA's ability to share information, potentially resulting in diminished capability for the industry and government to assess and respond to threats, incidents, and other security-related actions.

Significant Security Concerns Information. The lack of reporting of significant security concerns impedes TSA's ability to analyze potential security-risk information and recognize trends that warrant a Federal response.

**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).**

Based on the reasons discussed above, the purposes of this information collection would not be met if collection is conducted in a manner consistent with the general information collection guidelines of 5 CFR 1320.5(d)(2)(i) and 5 CFR 1320.5(d)(2)(iv).

- In order for TSA to analyze potential security-risk information and recognize trends warranting a federal response, it is critical for the regulated entities to report significant security concerns within 24 hours of initial discovery. Quarterly reporting would not meet this purpose.
- Under the proposed rule, TSA provides for owner/operators to recognize security training that employees may have received from another employer if it meets the regulatory requirements. TSA believes owner/operators need to maintain training records for no less than five years to ensure the information is available for documentation of previous training.

**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 consulted with key stakeholders in development of the regulatory requirements relating to this information, including industry representatives, governmental authorities, security experts, first responders, and employee representatives. Through various Government Coordinating Councils (GCCs), Sector Coordinating Councils (SCCs), and Peer Advisory Groups (PAGs), TSA has attempted to obtain additional views of persons outside the agency. Furthermore, through publication of this NPRM, TSA is soliciting comments on the information collection requirements described in the proposed rule. See 81 FR 91336 (December 16, 2016).

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

TSA will not provide any 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 protects information collected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, Federal Information Security Management Act, E-Government Act, and Privacy Act of 1974. TSA will also appropriately treat any information collected that it determines is Sensitive Security Information (SSI) and/or Personally Identifiable Information (PII), consistent with the requirements of 49 CFR part 1520 and OMB Guidance, M-07-16.

Security Coordinator (SC) Information. TSA will not share the personal information of Security Coordinators with organizations external to DHS as part of normal operations. If, however, information is needed for official purposes, TSA may share the information with other Federal agencies as well as State, local, or tribal government agencies. Federal agencies are subject to the safeguarding requirements of the Federal Information Security Management Act, Title III of the E-Government Act, Pub. L. 107-347 (FISMA) and the Privacy Act of 1974. TSA would only share this information with non-Federal entities (such as State, local, or tribal government agencies) if there is a reasonable expectation that the information will be safeguarded in accordance with appropriate procedures.

Significant Security Concerns Information. Under the provisions of 49 CFR part 1580, reports of significant security concerns would be considered SSI once received by TSA.<sup>4</sup>

PIA coverage for this collection is provided under DHS/TSA/PIA-029 TSA Operations Center Incident Management System. This PIA outlines the use of the WebEOC incident management system to perform incident management, coordination, and situational awareness functions for all modes of transportation. There is no assurance of confidentiality provided 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 will not ask any questions of sensitive nature.

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

In this justification, TSA describes the respondent population and then presents a summary of each of the information collections covered by this ICR.

***Respondent Population Categories***

- 1) *Freight Railroad Owner/operators:* Freight Railroad owner/operators that fall within the scope of the Security Training NPRM would submit information regarding security training programs under this ICR. The scope is limited to Class I freight railroads and freight railroads that transport Rail Security Sensitive Material (RSSM) in High Threat Urban Areas (HTUA) or that host higher-risk passenger operations. Thirty-six (36) unique freight railroads fall within this scope and would be annual respondents in this analysis. TSA estimated the number of freight railroad carriers using TSA data on RSSM shipments. TSA does not expect any growth in the number of freight railroad owner/operators that will fall under

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<sup>4</sup> See 49 CFR § 1520.5(b)(7).

this ICR. This population is already submitting information regarding security coordinators and significant security concerns, approved under OMB 1652-0051 (Rail Transportation Security).

- 2) *Public Transportation and Passenger Railroad Owner/operators:* Public Transportation and Passenger Railroad (PTPR) owner/operators that operate in the eight higher-risk public transportation regions listed in Appendix A of part 1582 in the Security Training NPRM would submit responses under this ICR. The proposed rule covers PTPR owner/operators listed in Appendix A to proposed part 1582 of the proposed rule and Amtrak. TSA has identified 47 PTPR owner/operators as high-risk based on various factors including, but not limited to, ridership, geographic location, proximity to critical infrastructure, etc. A significant portion of this population is currently required to submit information regarding security coordinators and significant security concerns under 49 CFR part 1580. Information collection from that portion of the population is approved under OMB 1652-0051 (Rail Transportation Security).
  
- 3) *OTRB Owner/operators:* Over-the-Road Buses (OTRB) owner/operators that provide fixed-route service in high-risk areas identified in Appendix A of part 1584 of the Security Training NPRM would submit responses under this ICR. TSA relied on a variety of sources, both public and private, to determine the number of OTRB owner/operators covered by the NPRM. The total number of OTRB operators in the first year of the proposed rule is 202. TSA estimates that this population will grow to 205 operators in the second year and 209 operators in the third year. Given this information, TSA estimates the total number of unique OTRB owner/operators respondents is 209 in the first three years of the proposed rule. TSA categorizes 29 of the 209 companies as Large to Medium and 180 as small.

**Table 1: Respondent Summary**

<b>Respondent Category</b>	<b>Total Unique Respondents</b>
Freight Railroad	36
PTPR	47
"Large to Medium" OTRB Operators	29
"Small" OTRB Operators	180
<b>Total</b>	<b>292</b>

### ***Information Collection***

This information collection requires that each respondent submit training plans and security coordinator information in the first year after a final rule takes effect. Additionally, each respondent would maintain employee training records after each training sessions and submit incident reports whenever necessary. TSA estimates the average annual burden in hours for each respondent category and the costs associated with them below. Calculations in this section may not total exactly due to rounding.

Security Training Plan Creation and Submission. The Security Training NPRM would require that respondents submit training plans to TSA. TSA assumes respondents would develop a training plan only once in the first three years of the proposed rule.

- 1) *Freight Railroad Owner/operators*: TSA estimates the total number of unique freight railroad respondents to be 36 owner/operators over the three year period. TSA estimates that each freight railroad owner/operator would spend 52 hours creating and submitting their training plan. TSA estimates an average annual hour burden of 624 hours by multiplying the plan creation and submission time by the number of respondents (52 hours x 36 freight railroad owner/operators), then dividing by 3 years (1,872 hours ÷ 3 years). TSA estimates the average annual cost by multiplying the hour burden by the weighted industry compensation rate for a freight rail manager (\$96.11).<sup>5</sup> The average annual cost burden for freight railroad security training program creation is \$59,972.64 (624 hours x \$96.11).
- 2) *Public Transportation and Passenger Railroad Owner/operators*: TSA estimates the total number of unique PTPR respondents to be 47 owner/operators over the three year period. TSA estimates that each PTPR respondent would spend 52 hours creating and submitting a training plan. TSA estimates an average annual hour burden of 815 hours by multiplying the plan creation and submission time by the number of respondents (52 hours x 47 PTPR owner/operators), then dividing by 3 years (2,444 hours ÷ 3 years). TSA estimates the average annual cost by multiplying the hour burden by the weighted industry compensation rate for a PTPR manager (\$80.48).<sup>6</sup> The average annual cost burden for PTPR security training program creation is \$65,5591.20 (815 hours x \$80.48).
- 3) *OTRB Owner/operators*: TSA estimates that 29 owner operators would be considered “Large to Medium” and require more time to create and submit training plans than smaller owner/operators require. TSA estimates that these owner/operators, in the first three years after the final rule’s effective date, will require an hour burden of 32 hours to create and submit a training plan. TSA multiplies the 32 hours by the total respondents to calculate a total of 928 hours for the three year period of this ICR (32 hours x 29 Large to Medium OTRB owner/operators). TSA then divides the 928 hours by 3 years to estimate the average annual time burden of 309 hours for Large to Medium OTRB owner/operators. TSA estimates the average annual cost by multiplying the average annual hour burden by the average industry compensation rate for an OTRB manager (\$79.75)<sup>7</sup>. The total average annual cost burden for Large to Medium OTRB owner/operators is \$24,642.75 (309 hours x \$79.75).

TSA estimates the remaining 180 OTRB respondents are “small” and would require 16 hours to create and submit their training program. TSA estimates that these owner/operators, in the first three years after a final rule takes effect, will require an hour burden of 16 hours to create and submit a training plan. TSA multiplies the 16 hours by the total respondents to calculate a total of 2,880 hours for the three year period of this ICR (16 hours x 180 Small OTRB owner/operators). TSA then divides the 2,880 hours by 3 years to estimate the average annual time burden of 960 hours

<sup>5</sup> TSA uses a weighted average of BLS and AAR data to calculate a freight railroad manager’s compensation rate for Class I, II, and III railroads. See section 3.1.4 in the RIA for details on the estimation of this wage rate.

<sup>6</sup> TSA uses the BLS Transit Manager wage rate and multiplies it by a compensation factor of 1.57.

<sup>7</sup> TSA uses the BLS Mass Transit manager wage rate and multiplies it by a compensation factor of 1.5.



for Small OTRB owner/operators. TSA estimates the average annual cost by multiplying the average annual hour burden by the average industry compensation rate for an OTRB manager (\$79.75). The total average annual cost burden for Small OTRB owner/operators is \$76,560.00 (960 hours x \$79.75).

Modifications. Respondents affected by the Security Training NPRM may be required to make modifications to their security training program before TSA will approve it.

- 1) *Freight Railroad Owner/operators:* TSA estimates that 32 freight railroad respondents would need to make modifications to their security training program before approval during the three year period. TSA estimates that each modification would have a time burden of 25 hours for the operators. TSA estimates an hour burden of 800 hours (32 freight railroad owner/operators x 25 hours) for the three year period of this ICR. TSA then divides this total by three years to estimate an annual hour burden of 267 hours. TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for a freight rail manager (\$96.11). TSA estimates an average annual cost of \$25,661.37 (267 annual hours x \$96.11) for freight railroad modifications.
- 2) *Public Transportation and Passenger Railroad Owner/operators:* TSA estimates that 21 PTPR respondents would need to make modifications to their security training program before approval during the three year period. TSA estimates that each modification would have a time burden of 25 hours for the operators. TSA estimates an hour burden of 525 hours (21 PTPR owner/operators x 25 hours) for the three year period of this ICR. TSA then divides this total by three years to estimate an annual hour burden of 175 hours. TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for a PTPR manager (\$80.48). TSA estimates an average annual cost of \$14,084.00 (175 annual hours x \$80.48) for PTPR modifications.
- 3) *Large to Medium OTRB Owner/operators:* TSA estimates that 25 Large to Medium OTRB respondents would need to make modifications to their security training program before approval during the three year period. TSA estimates that each modification would have a time burden of 16 hours for the operators. TSA estimates an hour burden of 400 hours (25 Large to Medium OTRB owner/operators x 16 hours) for the three year period of this ICR. TSA then divides this total by three years to estimate an annual hour burden of 133 hours. TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for an OTRB manager (\$79.75). TSA estimates an average annual cost of \$10,606.75 (133 annual hours x \$79.75) for Large to Medium OTRB modifications.
- 4) *Small OTRB Owner/operators:* TSA estimates that 163 Small OTRB respondents would need to make modifications to their security training program before approval during the three year period. TSA estimates that each modification would have a time burden of 8 hours for the operators. TSA estimates an hour burden of 1,304 hours (163 Small OTRB owner/operators x 8 hours) for the three year period of this ICR. TSA then divides this total by three years to estimate an annual hour burden of 435 hours. TSA estimates the average annual cost by multiplying the average annual time burden

by the weighted industry compensation rate for an OTRB manager (\$79.75). TSA estimates an average annual cost of \$34,691.25 (435 annual hours x \$79.75) for Small OTRB modifications.

Security Coordinator. The Security Training NPRM would require that each respondent appoint a security coordinator and alternate, and submit their contact information to TSA.

- 1) *Public Transportation and Passenger Railroad Owner/operators:* TSA estimates that of the 47 unique PTPR respondents, 23 respondents do not currently have security coordinators. Based on TSA's security coordinator data, TSA estimates existing freight and passenger railroad owner/operators, required to submit security coordinator information to TSA based on 49 CFR Parts 1580.101 and 1580.201, submit approximately 2.27 security coordinator submissions per owner/operator, which includes owner/operators submitting coordinators and alternates and replacing security coordinators from turnover. Given this data, TSA estimates 68 security coordinator submissions<sup>8</sup> within the three year period of this ICR. TSA estimates each response would have a time burden of 0.5 hours. TSA estimates an hour burden of 34 hours for the three year period of this ICR. TSA then divides the total by three years to estimate an annual hour burden of 11 hours. TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for a PTPR manager (\$80.48). The average annual cost of PTPR owner/operators security coordinator information submittal is \$885.28 (11 hours x \$80.48).
- 2) *OTRB Owner/operators:* TSA estimates that the 202 OTRB respondents will submit security coordinator and alternate information to TSA. TSA uses the previous security coordinator submission estimate per owner/operator to estimate 818 submissions<sup>9</sup> for OTRB owner/operators during the three year period which includes owner/operators submitting coordinators and alternates, new submissions from new owner/operators, and replacing security coordinators from turnover. TSA estimates each response would have a time burden of 0.5 hours. TSA estimates an hour burden of 409 hours for the three year period of this ICR. TSA then divides the total by three years to estimate an annual hour burden of 136 hours. TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for an OTRB manager (\$79.75). The average annual cost of OTRB owner/operators security coordinator information submittal is \$10,846.00 (136 hours x \$79.75).

Recordkeeping. The Security Training NPRM would require that respondents maintain the training records of their security-sensitive employees. Respondents would need to maintain the status of an employee's training in the records. The average annual responses would vary depending on the number of employees that an owner/operator trains in a given year.

<sup>8</sup> Based on RSC data, TSA estimates 52.27 submissions in year one and 8.48 submissions in both years two and three of this ICR.

<sup>9</sup> TSA estimates 459.06 submissions in year one, 177.52 submissions in year two, and 180.64 submissions in year three.

- 1) *Freight Railroad Owner/operators*: TSA estimates that the 36 freight railroad respondents would file training records in each of the three years which TSA estimates will average 149,666 records per year.<sup>10</sup> TSA estimates that each record would have a time burden of 15 seconds (0.004167 hours). TSA estimates an average annual time burden of 624 hours by multiplying the average annual number of records by the time burden (149,666 responses x 0.004167 hours). TSA estimates the average annual cost by multiplying the average annual time burden by the weighted industry compensation rate for a freight rail manager (\$96.11). The average annual cost of freight railroad carrier recordkeeping is \$59,972.64 (624 hours x \$96.11).
- 2) *Public Transportation and Passenger Railroad Owner/operators*: TSA estimates that the 47 PTPR respondents would file training records in each of the first three years. TSA estimates PTPR owner/operators will average 219,646 records throughout the first three years of the proposed rule.<sup>11</sup> TSA estimates that each record would have a time burden of 15 seconds (0.004167 hours). TSA estimates an average annual time burden of 915 hours by multiplying the average annual number of records by the time burden of one response (219,646 responses x 0.004167 hours). TSA estimates the average annual cost by multiplying the average annual time burden by the average industry compensation rate for a PTPR manager (\$80.48). The average annual cost of PTPR owner/operators recordkeeping is \$73,639.20 (915 hours x \$80.48).
- 3) *OTRB Owner/operators*: TSA estimates that the 202 OTRB initial respondents would file training records in each of the first three years while three new respondents would enter the market in the second year of the proposed rule and four respondents would enter in the third year. This results in a total of 209 respondents which TSA estimates will average 41,826 records throughout the first 3 years of the proposed rule.<sup>12</sup> TSA estimates that each response would have a time burden of 15 seconds (0.004167 hours). TSA estimates an average annual time burden of 174 hours by multiplying the average annual number of records by the time burden of one response (41,826 responses x 0.004167 hours). TSA estimates the average annual cost by multiplying the average annual time burden by the average industry compensation rate for an OTRB manager (\$79.75). The average annual cost of OTRB owner/operators recordkeeping is \$13,876.50 (174 hours x \$79.75).

Incident Reporting. The Security Training NPRM would require that respondents report significant security incidents to TSA. TSA uses internal historical data on incident reporting to estimate the annual number of responses per respondent.

- 1) *Public Transportation and Passenger Railroad Owner/operators*: TSA estimates that of the 47 PTPR respondents, 23 respondents do not currently have report significant security incidents to TSA. TSA estimates that these respondents would report an annual average of 4,652 incidents throughout the first three years of the proposed rule. Based on internal historical evidence, TSA estimates that each response would require three minutes (0.05) hours of time. TSA estimates an

<sup>10</sup> TSA estimates a total of 148,992 freight railroad employees in year one, 149,665 employees in year two, and 150,341 employees in year three.

<sup>11</sup> TSA estimates a total of 219,437 PTPR employees in year one, 219,646 employees in year two, and 219,856 employees in year three.

<sup>12</sup> TSA estimates a total of 41,300 OTRB employees in year one, 41,824 employees in year two, and 42,355 employees in year three.

average annual hour burden of 233 hours ( $4,652 \times 0.05$  hours) by multiplying the average annual number of reports by burden of time. TSA estimates the average annual cost by multiplying the average annual hour burden by the average industry compensation rate for a PTPR manager (\$80.48). The average annual cost of incident reporting for PTPR owner/operators is \$18,751.84 ( $233 \text{ hours} \times \$80.48$ ).

- 2) *OTRB Owner/operators*: TSA estimates that the 209 OTRB respondents who would report significant security incidents to TSA during the first three years of this ICR would report an annual average of 41,902 incidents throughout the first three years. Based on internal historical evidence, TSA estimates that each response would require three minutes (0.05 hours) of time. TSA estimates an average annual hour burden of 2,095 hours by multiplying the average annual number of reports by the hours of time ( $41,902 \text{ incidents} \times 0.05 \text{ hours}$ ). TSA estimates the average annual cost by multiplying the average annual hour burden by the average industry compensation rate for an OTRB manager (\$79.75). The average annual cost of incident reporting for OTRB owner/operators is \$167,076.25 ( $2,095 \text{ hours} \times \$79.75$ ).

The table below displays the information collection burden estimates for the surface training rule requirements.

**Table 2: Average Annual Cost Burden Estimate for Surface Owner/Operators**

Collection	Time Per Response (hours)	Number of Responses			Average # of Annual Resp.	3-Year Time Burden	Average Annual Time Burden	Compensation Rate	Average Annual Cost Burden
		Year 1	Year 2	Year 3					
<b>Initial Security Training Program Development and Submission</b>									
Freight Rail	52	36	0	0	12	1,872	624	\$96.11	\$59,972.64
PTPR	52	47	0	0	15.6666666	2,444	815	\$80.48	\$65,591.20
OTRB (Large to Medium Operator)	32	28	0	1	9.66666666	928	309	\$79.75	\$24,642.75
OTRB (Small Operators)	16	174	3	3	60	2,880	960	\$79.75	\$76,560.00
<b>Modified Security Training Program Development and Submission</b>									
Freight Rail	25	32	0	0	10.66666666	800	267	\$96.11	\$25,661.74
PTPR	25	21	0	0	7	525	175	\$80.48	\$14,084.00
OTRB (Large to Medium)	16	25	0	0	8.33333333	400	133	\$79.75	\$10,606.75
OTRB (Small)	8	157	3	3	54.3333333	1304	435	\$79.75	\$34,691.25
<b>Security Coordinator Information Submission</b>									
PTPR	0.5	52	8	8	22.6666666	34	11	\$80.48	\$885.28
OTRB	0.5	459	178	181	272.666666	409	136	\$79.75	\$10,846.00
<b>Employee Training Documentation Recordkeeping</b>									
Freight Rail	0.004167	148,992	149,665	150,341	149,666	1,871	624	\$96.11	\$59,972.64
PTPR	0.004167	219,437	219,646	219,856	219,646.33	2746	915	\$80.48	\$73,639.20
OTRB	0.004167	41,300	41,824	42,355	41,826.333	523	174	\$79.75	\$13,876.50
<b>Incident Reporting</b>									
PTPR	0.05	4,652	4,652	4,652	4,652	698	233	\$80.48	\$18,751.84
OTRB	0.05	41,173	41,898	42,635	41,902	6,285	2,095	\$79.75	\$167,076.25
<b>Total Burden (responses)</b>		<b>1,374,501</b>			<b>458,166</b>				
<b>Total Burden (hours)</b>						<b>23,719</b>	<b>7,906</b>		

Average Annual Total Cost					\$656,858.04
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**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There are no industry costs estimated, beyond the hourly burden, for this collection.

**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**

TSA estimates the total cost to the Federal Government associated with the information collections identified in this request amount to be approximately \$190,920.88 annually. *Table 3: TSA Cost by Respondent to Process Information Collection* shows TSA costs for information collections associated with each of the respondents. More detailed information about how TSA estimated these costs is provided below.

**Table 3: TSA Cost by Respondent to Process Information Collection**

Collection	Time Per Response (hours)	Number of Responses			3-Year Time Burden	Average Annual Time Burden	Compensation Rate	Average Annual Cost Burden
		Year 1	Year 2	Year 3				
<b>Initial Security Training Program Review</b>								
Freight Rail (Large Training Program)	40	7	0	0	280	93	\$72.52	\$6,744.36
Freight Rail (Non-large Training Program)	40	29	0	0	1,160	387	\$36.80	\$14,241.60
PTPR(Large Training Program)	40	1	0	0	40	13	\$72.52	\$942.76
PTPR (Non-large Training Program)	40	46	0	0	1,840	613	\$36.80	\$22,558.40
OTRB (Large Training Program)	20	3	0	0	60	20	\$72.52	\$1,450.40
OTRB (Non-large Training Program)	20	199	3	4	4,120	1,373	\$36.80	\$50,526.40
<b>Modified Security Training Program Review</b>								
Freight Rail (Large Training Program)	4	6	0	0	24	8	\$72.52	\$580.16
Freight Rail (Non-large Training Program)	4	26	0	0	104	35	\$36.80	\$1,288.00

PTPR(Large Training Program)	2	0	0	0	0	0	\$72.52	\$0.00
PTPR (Non-large Training Program)	2	21	0	0	42	14	\$36.80	\$515.20
OTRB (Large Training Program)	2	0	0	0	0	0	\$72.52	\$0.00
OTRB (Non-large Training Program)	2	182	3	3	376	125	\$36.80	\$4,600.00
<b>Security Coordinator Information Review</b>								
PTPR	0.1666667	52	8	8	11	4	\$36.80	\$147.20
OTRB	0.1666667	459	178	181	136	45	\$36.80	\$1,656.00
<b>Incident Reporting</b>								
PTPR	0.05	4,652	4,652	4,652	698	233	\$36.80	\$8,574.40
OTRB	0.05	41,173	41,898	42,635	6,285	2,095	\$36.80	\$77,096.00
<b>Total Burden (responses)</b>					<b>141,081</b>			
<b>Total Burden (hours)</b>					<b>15,176</b>	<b>5,058</b>		
<b>Average Annual Total Cost</b>								<b>\$190,920.88</b>

### Security Program Reviews:

- 1) *Freight Railroad Reviews.* For purposes of this ICR, TSA categorizes each freight railroad owner/operator security program into one of two categories – large and non-large.<sup>13</sup> TSA estimates a total of 7 large security program reviews and 29 non-large security program reviews over the three year period. TSA estimates both reviews will require a review burden of 40 hours. TSA calculates a total of 280 hours for large security program reviews and a total of 1,160 hours for non-large security program reviews for the three year period of this ICR. TSA estimates an annual hour burden of 93 hours for large security program reviews and an annual hour burden of 387 hours for non-large security program reviews for this ICR. TSA assumes a team lead is expected to perform large security program reviews, and a TSA analyst is expected to perform non-large security program reviews. TSA estimates an average compensation rate of \$72.52 for team lead<sup>14</sup> and an average compensation rate of \$36.80 for an analyst.<sup>15</sup>

<sup>13</sup> TSA categorizes the security programs based on the estimated complexity of the overall security program. In categorizing an owner/operator's security program as either large or non-large, TSA is not considering the size of the owner/operator, rather the details contained in the security program itself.

<sup>14</sup> TSA uses a fully loaded J band wage divided by 2,080 annual hours to calculate the annual hour wage of a team lead.

<sup>15</sup> TSA uses a fully loaded G/H/I blended wage divided by 2,080 annual hours to calculate the annual hour wage of a TSA analyst.

- 2) *Public Transportation and Passenger Railroad Reviews.* For purposes of this ICR, TSA categorizes each PTPR owner/operator security program into one of two categories – large and non-large. TSA estimates a total of 1 large security program review and 46 non-large security program reviews over the three year period. TSA estimates both reviews will require a review burden of 40 hours. TSA calculates a total of 40 hours for large security program reviews and a total of 1,840 hours for non-large security program reviews for the three year period of this ICR. TSA estimates an annual hour burden of 13 hours for large security program reviews and an annual hour burden of 613 hours for non-large security program reviews for this ICR. TSA assumes a team lead is expected to perform large security program reviews, and a TSA analyst is expected to perform non-large security program reviews. TSA estimates an average compensation rate of \$72.52 for team lead and an average compensation rate of \$36.80 for an analyst.
- 3) *OTRB Reviews.* For purposes of this ICR, TSA categorizes each OTRB owner/operator security program into one of two categories – large and non-large. TSA estimates a total of 3 large security program review and 206 non-large security program reviews over the three year period. TSA estimates both reviews will require a review burden of 20 hours. TSA calculates a total of 60 hours for large security program reviews and a total of 4,120 hours for non-large security program reviews for the three year period of this ICR. TSA estimates an annual hour burden of 20 hours for large security program reviews and an annual hour burden of 1,373 hours for non-large security program reviews for this ICR. TSA assumes a team lead is expected to perform large security program reviews, and a TSA analyst is expected to perform non-large security program reviews. TSA estimates an average compensation rate of \$72.52 for team lead and an average compensation rate of \$36.80 for an analyst.

#### Security Program Modification Reviews:

- 1) *Freight Railroad Modification Reviews.* TSA estimates a total of 6 large security program modifications and 26 non-large security program modifications will occur over the three year period of this ICR. TSA estimates both modification reviews will require a burden of 4 hours. TSA calculates a total of 24 hours for large security program modification reviews and a total of 104 hours for non-large security program modification reviews for the three year period of this ICR. TSA estimates an annual hour burden of 8 hours for large security program modification reviews and an annual hour burden of 35 hours for non-large security program modification reviews for this ICR. TSA assumes a team lead is expected to perform large security program modification reviews, and a TSA analyst is expected to perform non-large security program modification reviews. TSA estimates an average compensation rate of \$72.52 for team lead and an average compensation rate of \$36.80 for an analyst.
- 2) *Public Transportation and Passenger Railroad Modification Reviews.* TSA estimates no large security program modifications and 21 non-large security program modifications will occur over the three year period of this ICR. TSA estimates non-large modification reviews will require a burden of 2 hours. TSA calculates a total of 42 hours for non-large security program modification reviews for the three year period of this ICR. TSA estimates an annual hour burden of 14 hours for non-large



security program modification reviews for this ICR. TSA assumes a TSA analyst is expected to perform non-large security program modification reviews. TSA estimates an average compensation rate of \$36.80 for an analyst.

- 3) *OTRB Modification Reviews.* TSA estimates no large security program modifications and 188 non-large security program modifications will occur over the three year period of this ICR. TSA estimates non-large modification reviews will require a burden of 2 hours. TSA calculates a total of 376 hours for non-large security program modification reviews for the three year period of this ICR. TSA estimates an annual hour burden of 125 hours for non-large security program modification reviews for this ICR. TSA assumes a TSA analyst is expected to perform non-large security program modification reviews. TSA estimates an average compensation rate of \$36.80 for an analyst.

Security Coordinator Information. Review and filing of security coordinator information cost burden on the Federal government was determined by multiplying the estimated number of submissions of each covered mode of transportation by a review time of 10 minutes (0.167 hours) for the average annual hour burden. TSA estimates that a total of 68 submissions of security coordinator contact information will be sent by PTPR owner/operators in the first three years while OTRB owner/operators will submit an estimated 818 in the same time period. This estimate takes into account new security coordinators and the replacement of security coordinators from turnover. The average annual hour burden from these submissions was then multiplied by the TSA compensation rate of a TSA analyst of \$36.80 to provide annual cost burden.

Significant Security Concerns Information. Reporting of significant security concerns information cost burden on the Federal government was determined by approximating the number of reports submitted annually by each covered mode of transportation and multiplying it by the estimated time of 3 minutes (0.05 hours) to complete a report for the average annual hour burden. TSA estimates that a total of 4,652 and 41,902 significant security incidents will be reported to TSA in the first three years by PTPR and OTRB owner/operators, respectively. The average annual hour burden from these submissions was then multiplied by the TSA compensation rate of TSA analyst of \$36.80 to provide the annual cost burden.

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

This is a new Information Collection Request.

**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.