

INFORMATION COLLECTION SUPPORTING STATEMENT

SURFACE TRANSPORTATION STAKEHOLDER SURVEY

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 (TSA) has broad statutory authority for “security in all modes of transportation ... including security responsibilities ... over modes of transportation that are exercised by the Department of Transportation.”¹ Consistent with this authority, TSA is the Federal agency responsible for “assess[ing] the security of each surface transportation mode and evaluat[ing] the effectiveness and efficiency of current Federal Government surface transportation security initiatives.”²

The FAA Reauthorization Act of 2018 (H.R. 302, Pub. L. 115-254, 132 Stat. 3186, Oct. 5, 2018) (the “Act”) directs the Secretary of Homeland Security to conduct a survey³ of public and private stakeholders responsible for securing surface transportation assets regarding resource challenges, including the availability of Federal funding, associated with securing such assets that provides an opportunity for respondents to set forth information on specific unmet security needs. Section 1983(b) of the Act requires submission of a report to the appropriate Congressional committees regarding the survey results and the efforts of DHS to address any identified security vulnerabilities.

The Federal Emergency Management Agency (FEMA) is the fiduciary agent and Federal awarding agency for grant funding appropriate to DHS for surface transportation security enhancements. As memorialized in a Memorandum of Understanding between FEMA and TSA, TSA supports the grant process for surface transportation through numerous activities, including stakeholder outreach and soliciting feedback for program improvements from surface transportation security partners.

¹ See section 101 of the Aviation and Transportation Security Act (ATSA), Pub. L. 107-71, 115 Stat. 597 (Nov. 19, 2001), codified at 49 U.S.C. 114 (ATSA created TSA and established the agency’s primary federal role to enhance security for all modes of transportation). Section 403(2) of the Homeland Security Act of 2002 (HSA), Pub. L. 107-296, 116 Stat. 2135 (Nov. 25, 2002), transferred all functions related to transportation security, including those of the Secretary of Transportation and the Under Secretary of Transportation for Security, to the Secretary of Homeland Security. Pursuant to Department of Homeland Security (DHS) Delegation Number 7060.2, the Secretary delegated to the Administrator, subject to the Secretary’s guidance and control, the authority vested in the Secretary with respect to TSA, including that in sec. 403(2) of the HSA.

² See Executive Order (E.O.) 13416, section 3(a) (Dec. 5, 2006).

³ SEC. 1983. SURFACE TRANSPORTATION STAKEHOLDER SURVEY.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary shall begin conducting a survey of public and private stakeholders responsible for securing surface transportation assets regarding resource challenges, including the availability of Federal funding, associated with securing such assets that provides an opportunity for respondents to set forth information on specific unmet needs.

(b) Report.—Not later than 120 days after beginning the survey required under subsection (a), the Secretary shall report to the appropriate committees of Congress regarding the results of such survey and the Department of Homeland Security’s efforts to address any identified security vulnerabilities.

In light of the Act's mandates and consistent with the above authorities and agreements with FEMA, TSA is now seeking review and approval under the Paperwork Reduction Act to conduct this survey.

- 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 use the survey to solicit information from public and private stakeholders about the challenges of securing surface transportation assets.

The information collected in this one-time survey will be used as follows:

1. To develop a baseline understanding of surface transportation operators' security budgets and of the gap, if any, between available funding and stakeholders' perceived security needs.
2. To identify resources across the Department available to stakeholders to address any identified security vulnerabilities.
3. To report to leadership in TSA, DHS, and Congress on those resource needs, in order to inform future Federal budget formulation and grant making decisions.
4. To inform TSA's development of security strategies, priorities, and programs, as well as stakeholder outreach efforts, that ensure the most effective application of available resources.

- 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.]**

In compliance with GPEA, this one-time survey will be conducted using the TSA website and Survey Monkey software, enabling respondents to fill out the survey from any smart phone, tablet, or computer with internet connectivity. The feature to collect the respondents' IP addresses will be disabled. The survey results will be compiled for analytical purposes. Conducting the survey electronically will be less labor intensive and less costly than requiring participants to submit surveys in hard copy.

- 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 is sensitive to the burden on the industry from complying with requests for information and has taken appropriate steps to avoid overlap where possible. In this regard, TSA has coordinated this effort with the FEMA because the survey has implications for Federal grant

programs administered by FEMA and determined that FEMA does not have an existing collection for the information required by the Act . In addition, TSA is aware of information collected by its Federal partners regarding surface stakeholders, but the available data will not satisfy the congressional intent. TSA has found no existing collection that can supply the information the Act requires TSA to compile.

- 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, TSA anticipates that this survey will be a 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 comply with the data collection and reporting requirements of section 1983 of the Act. Additionally, TSA will be unable to assess surface transportation stakeholders' security resource needs, and will, therefore, be unable to fully exercise its oversight authority.⁴

- 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.***

As part of its mission and responsibilities, TSA is in continuous dialogue with surface transportation system stakeholders. Also, as stated above, TSA has coordinated this effort with FEMA, including their review of the TSA proposed survey. FEMA supports TSA as the lead agency for conducting the survey and submitting this ICR.

As required by 5 CFR 1320.8(d), TSA published in the *Federal Register* a 60-day notice for public comment on March 21, 2019 (84 FR 10524) and a 30-day notice on June 7, 2019 (84 FR 26695). Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory

⁴ See *supra*, n. 1.

Reform Agenda, each notice included a specific request for comments on the extent to which this request for information could be modified to reduce the burden on respondents. TSA has received no comments in response to the notices.

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.

While TSA does not offer any assurance of confidentiality, to the extent portions of the information provided by respondents may be designated Sensitive Security Information (SSI), as determined by the TSA SSI Office, the responses would be handled in accordance with 49 CFR parts 15 and 1520. This collection is non-privacy sensitive as it does not collect personally identifiable information.

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 and cost burden of the collection of information.

This collection of information will occur once. The annual burden is for the single collection of information through a voluntary stakeholder survey, which asks the stakeholder to gather pertinent data. TSA estimates each stakeholder that responds will take on average two hours to gather information and submit their response.

Based on the duration of availability of the survey, TSA estimates that 20 percent of stakeholders that receive the survey will submit a response. The following table is a summary of the number of stakeholders by transportation mode from which TSA anticipates receiving the survey results. TSA estimates 641⁵ responses based on 3,207 stakeholders multiplied by the 20 percent response rate.

Industry	Stakeholder Recipients	Stakeholder Responses
Freight Railroads, Rail Shippers and Receivers	739	149
Highway Motor Carriers	189	38
Mass Transit and Passenger Rail	599	120
Pipeline Operators	1,680	336

⁵ 641.4 = 3,207 x 0.2.

Total	3,207	641
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Note: Totals may not sum due to rounding.

TSA estimates a total of 1,282.8 hours, based on 641 responses multiplied by two hours. TSA then multiplies the total hours (1,282.8) by the weighted average fully-loaded⁶ wage rate for all four industries (\$87.84)⁷ to estimate a one-time cost of \$112,683.

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

There are no costs burdens to respondents for this collection besides opportunity costs in 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.

TSA estimates three staff members who are I, J, and K pay band employees will each spend 24 hours reviewing and analyzing the data submitted through the survey. This equates to 72 hours for the Federal burden, and TSA multiplies the total hours by the average fully-loaded hourly rate of \$70.59⁸ to estimate the one time Federal cost of \$5,083.

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 collection.

⁶ A fully-loaded wage rate accounts for non-wage components of employee compensation, such as healthcare and retirement benefits.

⁷ Weighted average fully loaded compensation for four industries is based on the Standard Occupational Code (SOC) 11-0000 Management Occupations mean hourly wage rate from Bureau of Labor Statistics multiplied by each industry's respective compensation factor. The unloaded wage rate for Management Occupations in NAICS 482000 Rail Transportation, 485100-Urban Transit Systems, 485500 Charter Bus and 484000 - Truck Transportation, and 486000 - Pipeline Transportation was \$52.25, \$50.52, \$50.72, \$66.36, respectively. BLS. May 2017 National Industry-Specific Occupational Employment and Wage Estimates. Last modified March 30, 2018 (accessed November 28, 2018); https://www.bls.gov/oes/2017/may/naics3_482000.htm, https://www.bls.gov/oes/2017/may/naics4_485100.htm, https://www.bls.gov/oes/2017/may/naics4_485500.htm, https://www.bls.gov/oes/2017/may/naics3_484000.htm, https://www.bls.gov/oes/2017/may/naics3_486000.htm. TSA multiplied each unloaded hourly rate by 1.44, the BLS Employer Costs for Employee Compensation (ECEC) for Rail Transportation, Charter Bus and Truck Transportation, and Pipeline industries, All Workers. See Table 9: Employer Costs Per Hour Worked for Employee Compensation and Costs as A Percent of Total Compensation: Private Industry. TSA multiplied the Urban Transit Systems unloaded hourly rate by 1.73, the BLS ECEC for the state and local workers. See Table 4: Employer Costs Per Hour Worked for Employee Compensation and Costs as A Percent of Total Compensation: State and Local Government Workers, By Occupational and Industry Group. TSA divided the Total Compensation by Wage & Salaries for the last four available quarters to get 1.44 and 1.73, for the private sector and State and local workers, respectively. Average of: June 2018, March 2018, December 2017, and September 2017 reports; <https://www.bls.gov/bls/news-release/ecec.htm>.

⁸ TSA used the average fully loaded hourly rate based on 2,087 hours, and Office of Personnel Management (OPM) standard for Federal employees. The average of \$70.59186 was calculated by the I-band rate of \$53.61, the J-band rate of \$72.72, and K-band of \$85.44 divided by three.

- 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.**

Upon approval and initiation of this information collection, section 1983(b) of the Act requires TSA to report to the appropriate committees of Congress, not later than 120 days after beginning the stakeholder survey, regarding the results and DHS's efforts to address any identified security vulnerabilities. To comply with the provisions of the Act, the survey site will be available for stakeholder response for a 21-day period. Upon completion of the response period, TSA will compile results and draft the required report over an additional 30-day timeframe. The remaining time prior to the statutory deadline will be used for agency and department review and revision of the draft document, approval of the final document, and submission of the report to the appropriate committees of Congress.

- 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.