

**SafeMTS – Near-Miss Reporting and Analysis Program for
the Marine Transportation System**
OMB #_____

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Collecting transportation safety data, including data on precursors to adverse events, is an important component of Bureau of Transportation Statistics' (BTS) responsibility to the transportation community and is authorized in BTS's authorizing statute. Title 49 U.S.C. Chapter 63 Section 6306 authorizes the BTS Director to enter agreements with Federal, State, local, or private agencies for the purposes of transportation data collection and analysis. To ensure that all transportation statistical collections, analysis, and dissemination is carried out in a coordinated manner, the BTS Director may- *(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use; (2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis.*

Currently, no reporting regime is in place for maritime industry near-miss or other non-casualty/non-reportable safety matters. Marine casualties and other incident types are reportable under either Occupational Safety and Health Administration (OSHA) or U.S. Coast Guard (USCG) jurisdiction; however, near-miss reporting is not required under current regulations, and no comprehensive database of near-miss events exists for the maritime industry. Such a database would allow for analysis and dissemination of key findings to the industry and other stakeholders for use in advancing maritime transportation safety.

Toward that end, in August of 2022 BTS signed an interagency agreement (IAA) with the Maritime Administration (MARAD) to develop and implement the Safe Maritime Transportation System (SafeMTS) program, a voluntary program for confidential reporting of near-miss events occurring on vessels within the marine transportation system (MTS). During the first year, BTS has worked closely with representatives from seven maritime companies who expressed interest in participating as early implementers of the program. These representatives provided sample data to BTS, worked with BTS and MARAD to identify the scope of data that should be submitted to ensure that data captured as the appropriate learning value, and contributed to the development of a "data key"—a set of variables and values necessary for the collection of meaningful information about a near-miss event. BTS will publish a summary report, expected in early 2024, on learnings from the pilot effort.

BTS will protect data collected under the program in accordance with the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018 (title III of Pub. L. 115-435, Foundations for Evidence-Based Policymaking Act of 2018, codified at 44 U.S.C. §§ 3501–3583), which allows the program to overcome legal concerns among companies about sharing sensitive near-miss data. SafeMTS will provide parties in the maritime industry a trusted means to report sensitive proprietary and information related to safety performance and to foster trust in the confidential collection, handling, and storage of the raw data.

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

This data is voluntarily provided by the maritime industry. There is no sample selection for this data collection because no near-miss events are excluded; all near-miss events experienced by participating companies will be reported to BTS under the program. As of November 2023, there are approximately seven companies participating in SafeMTS. These companies comprise container and bulk shippers, ferry and passenger, and tug/tow operators. All companies engaging in vessel operations are eligible to submit reports to BTS whenever they experience a qualifying event, i.e., a near miss safety event related to the potential for human injury/fatality, damage (loss) of assets, or negative environmental impact.

BTS will collect, store, process, and analyze near-miss event reports while assuring data confidentiality. BTS will: maintain the analytical database using the reported data and other pertinent information; conduct statistical analyses and develop public reports; and protect the confidentiality of data submitted under the program in accordance with BTS’ own statute (49 U.S.C. § 6307) and CIPSEA. In accordance with these confidentiality statutes, only statistical (aggregated) and non-identifying data will be made publicly available by BTS through its reports. BTS will not release to MARAD or any other public or private entity any information that might reveal the identity of reporter or individuals mentioned in safety notice without explicit consent of the respondent or applicable entities.

BTS will develop and publish aggregate reports and data products such as dashboards that MARAD, the maritime industry, and other stakeholders can use—in conjunction with auxiliary data streams such as vessel safety reports—to reduce safety risks and continue building a more robust maritime safety culture. These reports make available only statistical aggregated and non-sensitive information and may contribute to research and development of intervention programs aimed at making vessel operation safer, reducing environmental risks, and building a more robust safety culture within the maritime industry.

BTS establishes SafeMTS Data Review Teams (DRTs) on an as needed basis to act as subject matter experts (SMEs) to evaluate, review, and analyze microdata for the purpose of identifying and reporting trends and producing industry-wide statistics. All DRT members must adhere to BTS confidentiality policy, including complete confidentiality training and sign a nondisclosure

agreement. All DRT members must have applicable subject matter expertise in maritime operations. The DRT is composed of core members and specialized SMEs to be called upon as needed based on technical content of incoming reports.

Information collected through this program may be used to develop new or modified training programs, assess risk and allocate resources to address those risks, learn why these reported safety events are taking place, and to engage in informed discussions among MARAD, maritime vessel operators, their contractors, original equipment manufacturers, and other stakeholders.

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 submissions 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.

BTS promotes electronic reporting and has developed tutorials and user guides to document and assist participants with submitting data files electronically via BTS's secure online portal. In developing the reporting process, BTS has attempted to ensure that the form and format of all data collection tools are designed to minimize the burden of respondents while increasing the confidence and trust in the failure reporting system.

Reports may be submitted individually, through a batch transfer of multiple reports, or through a database transfer. Companies will work with BTS to determine a method for transfer, with the goal of allowing for submission of data in whatever format already in place at the company, to minimize incremental effort on the company's part.

Industry participants will submit data electronically to BTS via upload to a secure online portal. Submitted data files will include information such as:

- Event Date
- Time of Event
- Event Description
- Incident Type/Category
- Near Miss Classification
- Geographic Location
- Vessel Name (1) & (2)
- Vessel Type (1) & (2)
- Business Segment
- Location on Vessel
- Location on Vessel - Detail
- Operations/Activity Ongoing
- System/Equipment Involved
- Observing Personnel Type
- Factor Preventing Worse Incident
- Action Taken - Narrative

- Immediate Corrective Action
- Systemic Corrective Action
- Potential Consequence
- Actual Consequence
- Potential Severity Level
- Causal/Contributing Factors
- Root Cause

BTS will maintain an analytical database using the reported data and other pertinent information, conduct statistical analysis, and develop public reports and data dashboards. Additional company-specific analyses and data tools may be developed to allow participants to compare trends in near-miss incidents within their company to the industry average.

BTS will protect the confidentiality of notices and reports in accordance with BTS' own statute (49 U.S.C. § 6307) and CIPSEA. In accordance with these confidentiality statutes, only statistical aggregated and non-identifying data will be made publicly available by BTS through reports. BTS will not release to BSEE or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in near-miss events, or reports without explicit consent of the respondent and any other affected entities.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is currently no reporting regime in place for maritime industry near-miss or safety incidents and other non-casualty/reportable safety matters. The BTS near-miss reporting database will serve as a marine industry-wide repository for near-miss data, allowing opportunities for identifying issues, challenges, and obstacles related to quality information sharing on maritime safety events for overall safety improvements. No similar, comprehensive source of domestic maritime near-miss data exists.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

For the purposes of this collection, BTS has identified businesses in the maritime industry that involve ownership or operation of vessels as the sole respondents. This data collection program is expected to have a minimal impact on small businesses because SafeMTS receives data primarily from companies that exceed the thresholds defined by the Small Business Administration.

6. Describe the consequence to the Federal Program or policy activities if the collection

were not collected or conducted less frequently.

Reports submitted directly to BTS under CIPSEA will use a data collection form that includes essential detail about maritime safety events such as: potential injury or loss of a person aboard a vessel, loss of cargo, significant damage to a vessel, grounding, sinking, electrical accidents or machinery malfunctions. The detail included in near-miss event reports is critical to comprehensively assess events and determine appropriate mechanisms to protect safety and prevent environmental harm. If the data were not collected, it would inhibit the comprehensive assessment of marine safety events and risks, including the potential for early identification of patterns and trends before safety is compromised. Not collecting this data could also inhibit the government's ability to establish or promote preventive safety programs.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, government contracts, grant-in-aid, or tax records for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that pertain to this information collection.

8. If applicable, provide a copy and identify the date and page number of publications 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 the notice and describe actions taken by the agency in response to these comments.

The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on August 8, 2023, at 88 FR 53594. One comment was received, from the National Transportation Safety Board (NTSB) expressing the agency's support for such a program.

The Federal Register Notice with a 30-day comment period soliciting comments on this collection of information was published on November 6, 2023, at 88 FR 76278. The public was invited to submit comments directly to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB).

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

No payment or gift of any kind is being made to respondents.

10. Describe any assurances of confidentiality provided to respondents.

The confidentiality of SafeMTS data is protected under the BTS confidentiality statute (49 U.S.C. 6302), and CIPSEA. In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to any public or private entity any information that might reveal the identity of participating companies reporting near-miss events or individuals mentioned in these reports.

Under CIPSEA, it is a felony, punishable by up to \$250,000 in fines and up to 5 years in jail, for BTS or its agents to release identifiable data confidentially submitted in reports by individuals, companies, or other entities. BTS has very strict protocols in place for collecting and protecting such data. CIPSEA protections include, but are not limited to:

- protection from subpoenas and Freedom of Information Act disclosure
- protection from release to the public, MARAD, or any other government agency
- protection from uses other than statistical purposes

11. Are there any questions of a sensitive nature?

There are no questions of a sensitive or personal nature.

12. Provide estimates of reporting burden.

Approximately up to 100 companies are expected to voluntarily join the SafeMTS program over the next three years. They comprise a variety of types of companies involved in the operation of maritime vessels, including container shipping companies, ferry and passenger companies, cruise ship companies, tug and tow operators, bulk cargo ship operators, commercial fishing companies, research organizations, and others. The total burden hours are not expected to meaningfully vary between company types.

It is anticipated that companies will submit data on a quarterly basis, with each submission requiring approximately one hour for data gathering and submission.

National Industry-Specific Occupational Employment and Wage Estimates, May 2022
NAICS 483100 – Deep Sea, Coastal, and Great Lakes Water Transportation

| Occupation code | Employment | Employment RSE | Percent of Total Employment | Median Hourly Wage | Mean Hourly Wage | Annual Mean Wage | Mean Wage RSE | Expected Number of Respondents | Expected Number of Annual Responses | Expected Burden Hours per Response | Total Burden Hours | Total Effort Cost |
|---------------------|------------|----------------|-----------------------------|--------------------|------------------|------------------|---------------|--------------------------------|-------------------------------------|------------------------------------|--------------------|-------------------|
| Engineers (17-2000) | 270 | 25.8% | 1.35% | \$53.22 | \$60.37 | \$125,570 | 4.3% | 100 | 4 | 1 | 400 | \$21,288 |

Cells in gray extracted from BLS National Industry-Specific Occupational Employment and Wage Estimates, May 2021

Source: [Deep Sea, Coastal, and Great Lakes Water Transportation - May 2022 OEWS Industry-Specific Occupational Employment and Wage Estimates \(bls.gov\)](#)

Date extracted on: Nov. 22, 2023

Number of Maximum Responses: One hundred.

Frequency: Quarterly.

Estimated Time per Response: 1 hour.

Total Annual Burden: 400 hours.

| | |
|------------------------|-----------|
| Number of Responses | 100 |
| Frequency of Responses | Quarterly |
| Burden per Respondent | 1-hr |
| Annual burden hours | 400 hours |

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

There is no advance preparation of data required or expected of respondents, and there are no record keeping expectations or costs to the respondents.

14. Provide estimates of annualized cost to the Federal Government.

One GS-12 employee, one GS-13 employee, and one GS-14 employees will be needed to support the program. The annual salaries per employee estimated at the step 7 level and the total fully burdened cost (estimated as 1.4 times the respectively salaries) is shown in the table below. The total annual cost estimate for these employees is \$568,813.00.

| | Annual Salary | Fully Burdened Annual Salary Estimate | Number of FTEs | Total Cost Estimate |
|--------------|---------------|---------------------------------------|----------------|---------------------|
| GS-12 | \$113,039 | \$158,255 | 1 | \$158,255 |
| GS-13 | \$134,416 | \$188,182 | 1 | \$188,182 |
| GS-14 | \$158,840 | \$222,376 | 1 | \$222,376 |
| Total | | | | \$568,813 |

In addition, an annual cost of approximately \$400,000 is estimated for interagency agreements and contract support in the following task areas:

- Data management, protection, and security: SafeMTS will require the continuing development and maintenance of tools and processes for the management of data and protection of confidentiality.
- Stakeholder engagement: SafeMTS is a voluntary program, requiring continued stakeholder engagement. BTS convenes meetings with stakeholders and participants, and these needs will grow as additional members are added. Events, including in-person event for training and recruitment to the effort, will be needed.
- Project management: Project management resources will be targeted to ensure data quality, IT oversight, and timely delivery of results.

The following provides a breakdown of estimated cost to the Federal Government:

| | Annual Estimated Cost |
|-----------------------------------|-----------------------|
| Direct Labor | \$568,813 |
| Contract Support | \$400,000 |
| Working Capital Fund and Overhead | \$100,000 |
| Travel | \$50,000 |
| Total | \$1,118,813 |

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

There are no program changes or adjustments.

16. Is the information received published?

BTS will publish aggregate statistics and reports as well as data visualizations. BTS will also provide company-specific statistics and visualizations to that company on a dashboard through a secure online portal. A public-facing website will also be developed and maintained to share

information about SafeMTS and the aggregate reports with all stakeholders including members of the public.

17. Is the agency seeking approval not to display the expiration date for OMB approval?

No.

18. Explain each exception to the certification statement identified in Item 19, “Certification for paperwork reduction act submissions” of OMB Form 83-I.

None.