

Transportation Security Administration, DHS

§ 1582.1

Categories	Security-sensitive job functions for freight rail	Examples of job titles applicable to these functions *
E. Providing security of the owner/operator's equipment and property.	2. Employees covered under the Federal hours of service laws as "dispatching service employees." See 49 U.S.C. 21101(2) and 21105.	Police officer, special agent; patrolman; watchman; guard.
F. Loading or unloading cargo or baggage	Employees who provide for the security of the railroad carrier's equipment and property, including acting as a railroad police officer (as that term is defined in 49 CFR 207.2). Includes, but is not limited to, employees that load or unload hazardous materials.	Service track employee.
G. Interacting with travelling public (on board a vehicle or within a transportation facility).	Employees of a freight railroad operating in passenger service.	Conductor, engineer, agent.
H. Complying with security programs or measures, including those required by Federal law.	1. Employees who serve as security coordinators designated in § 1570.201 of this subchapter, as well as any designated alternates or secondary security coordinators. 2. Employees who— a. Conduct training and testing of employees when the training or testing is required by TSA's security regulations. b. Perform inspections or operations required by § 1580.205 of this subchapter. c. Manage or direct implementation of security plan requirements.	Security coordinator, train master, assistant train master, roadmaster, division roadmaster.

* These job titles are provided solely as a resource to help understand the functions described; whether an employee must be trained is based upon the function, not the job title.

PART 1581 [RESERVED]

PART 1582—PUBLIC TRANSPORTATION AND PASSENGER RAILROAD SECURITY

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AUTHORITY: 49 U.S.C. 114; Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), and 1408 (6 U.S.C. 1137).

SOURCE: 85 FR 16511, Mar. 23, 2020, unless otherwise noted.

Subpart A—General

§ 1582.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part includes requirements for the following persons. Specific sections in this part provide detailed requirements.

- (1) Each passenger railroad carrier.
- (2) Each public transportation agency.

(3) Each operator of a rail transit system that is not operating on track that is part of the general railroad system of transportation, including heavy rail transit, light rail transit, automated guideway, cable car, inclined plane, funicular, and monorail systems.

(4) Each tourist, scenic, historic, and excursion rail owner/operator, whether operating on or off the general railroad system of transportation.

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(b) This part does not apply to a ferry system required to conduct training pursuant to 46 U.S.C. 70103.

§ 1582.3 Terms used in this part.

In addition to the terms in §§1500.3, 1500.5, and 1503.202 of subchapter A and §1570.3 of subchapter D of this chapter, the following term applies to this part.

Security-sensitive employee means an employee whose responsibilities for the owner/operator include one or more of the security-sensitive job functions identified in appendix B to this part if the security-sensitive function is performed in the United States or in direct support of the common carriage of persons or property between a place in the United States and any place outside of the United States.

§ 1582.5 Preemptive effect.

Under 49 U.S.C. 20106, issuance of the passenger railroad and public transportation regulations in this subchapter preempts any State law, regulation, or order covering the same subject matter, except an additional or more stringent law, regulation, or order that is necessary to eliminate or reduce an essentially local security hazard; that is not incompatible with a law, regulation, or order of the U.S. Government; and that does not unreasonably burden interstate commerce.

Subpart B—Security Programs

§ 1582.101 Applicability.

The requirements of this subpart apply to the following:

(a) Amtrak (also known as the National Railroad Passenger Corporation).

(b) Each owner/operator identified in Appendix A to this part.

(c) Each owner/operator described in §1582.1(a)(1) through (3) of this part that serves as a host railroad to a freight operation described in §1580.301 of this subchapter or to a passenger train operation described in paragraph (a)(1) or (a)(2) of this section.

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§ 1582.103 [Reserved]

§ 1582.105 [Reserved]

§ 1582.107 [Reserved]

§ 1582.109 [Reserved]

§ 1582.111 [Reserved]

§ 1582.113 Security training program general requirements.

(a) *Security training program required.* Each owner/operator identified in §1582.101 of this part is required to adopt and carry out a security training program under this subpart.

(b) *General requirements.* The security training program must include the following information:

(1) Name of owner/operator.

(2) Name, title, telephone number, and email address of the primary individual to be contacted with regard to review of the security training program.

(3) Number, by specific job function category identified in Appendix B to this part, of security-sensitive employees trained or to be trained.

(4) Implementation schedule that identifies a specific date by which initial and recurrent security training required by §1570.111 of this subchapter will be completed.

(5) Location where training program records will be maintained.

(6) Curriculum or lesson plan, including learning objectives and method of delivery (such as instructor-led or computer-based training) for each course used to meet the requirements of §1582.115 of this part. TSA may request additional information regarding the curriculum during the review and approval process. If recurrent training under §1570.111 of this subchapter is not the same as initial training, a curriculum or lesson plan for the recurrent training will need to be submitted and approved by TSA.

(7) Plan for ensuring supervision of untrained security-sensitive employees performing functions identified in Appendix B to this part.

(8) Plan for notifying employees of changes to security measures that could change information provided in previously provided training.

(9) Method(s) for evaluating the effectiveness of the security training program in each area required by § 1582.115 of this part.

(c) *Relation to other training.* (1) Training conducted by owner/operators to comply with other requirements or standards, such as emergency preparedness training required by the Department of Transportation (DOT) (49 CFR part 239) or other training for communicating with emergency responders to arrange the evacuation of passengers, may be combined with and used to satisfy elements of the training requirements in this subpart.

(2) If the owner/operator submits a security training program that relies on pre-existing or previous training materials to meet the requirements of subpart B, the program submitted for approval must include an index, organized in the same sequence as the requirements in this subpart.

(d) *Submission and implementation.* The owner/operator must submit and implement the security training program in accordance with the schedules identified in §§ 1570.109 and 1570.111 of this subchapter.

§ 1582.115 Security training and knowledge for security-sensitive employees.

(a) *Training required for security-sensitive employees.* No owner/operator required to have a security training program under § 1582.101 of this part may use a security-sensitive employee to perform a function identified in appendix B to this part unless that individual has received training as part of a security training program approved by TSA under 49 CFR part 1570, subpart B, or is under the direct supervision of an employee who has received the training required by this section as applicable to that security-sensitive function.

(b) *Limits on use of untrained employees.* Notwithstanding paragraph (a) of this section, a security-sensitive employee may not perform a security-sensitive function for more than sixty (60) calendar days without receiving security training.

(c) *Prepare.* Each owner/operator must ensure that each of its security-sensitive employees with position- or

function-specific responsibilities under the owner/operator's security program have knowledge of how to fulfill those responsibilities in the event of a security threat, breach, or incident to ensure—

(1) Employees with responsibility for transportation security equipment and systems are aware of their responsibilities and can verify the equipment and systems are operating and properly maintained; and

(2) Employees with other duties and responsibilities under the company's security plans and/or programs, including those required by Federal law, know their assignments and the steps or resources needed to fulfill them.

(d) *Observe.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge of the observational skills necessary to recognize—

(1) Suspicious and/or dangerous items (such as substances, packages, or conditions (for example, characteristics of an IED and signs of equipment tampering or sabotage);

(2) Combinations of actions and individual behaviors that appear suspicious and/or dangerous, inappropriate, inconsistent, or out of the ordinary for the employee's work environment, which could indicate a threat to transportation security; and

(3) How a terrorist or someone with malicious intent may attempt to gain sensitive information or take advantage of vulnerabilities.

(e) *Assess.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge necessary to—

(1) Determine whether the item, individual, behavior, or situation requires a response as a potential terrorist threat based on the respective transportation environment; and

(2) Identify appropriate responses based on observations and context.

(f) *Respond.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge of how to—

(1) Appropriately report a security threat, including knowing how and when to report internally to other employees, supervisors, or management,

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and externally to local, state, or Federal agencies according to the owner/operator's security procedures or other relevant plans;

(2) Interact with the public and first responders at the scene of the threat or incident, including communication with passengers on evacuation and any

specific procedures for individuals with disabilities and the elderly; and

(3) Use any applicable self-defense devices or other protective equipment provided to employees by the owner/operator.

APPENDIX A TO PART 1582—DETERMINATIONS FOR PUBLIC TRANSPORTATION AND PASSENGER RAILROADS

State	Urban area	Systems
CA	Bay Area	Alameda-Contra Costa Transit District (AC Transit). Altamont -Corridor Express (ACE). City and County of San Francisco (San Francisco Bay Area Rapid Transit District) (BART). Central Contra Costa Transit Authority. ≤Golden Gate Bridge, Highway and Transportation District (GGBHTD). Peninsula Corridor Joint Powers Board (PCJPB) (Caltrain). San Francisco Municipal Railway (MUNI) (San Francisco Municipal Transportation Agency). San Mateo County Transit District (San Mateo County Transit Authority) (SamTrans). Santa Clara Valley Transportation Authority (VTA). Transbay Joint Powers Authority.
	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana urban Areas)..	City of Los Angeles Department of Transportation (LADOT) Foothill Transit. Long Beach Transit (LBT). Los Angeles County Metropolitan Transportation Authority (LACMTA). City of Montebello (Montebello Bus Lines) (MBL). Omnitrans (OMNI). Orange County Transportation Authority (OCTA). City of Santa Monica (Santa Monica's Big Blue Bus) (Big Blue Bus). Southern California Regional Rail Authority (Metrolink). Arlington County, Virginia (Arlington Transit). City of Alexandria (Alexandria Transit Company) (Dash). Fairfax County Department of Transportation—Fairfax Connector Bus System. Maryland Transit Administration (MTA). Montgomery County Department of Transportation (Ride-On Montgomery County Transit). Potomac and Rappahannock Transportation Commission. Prince George's County Department of Public Works and Transportation (The Bus). Virginia Railway Express (VRE). Washington Metropolitan Area Transit Authority (WMATA).
DC/MD/VA	Greater National Capital Region (National Capital Region and Baltimore urban Areas)..	Georgia Regional Transportation Authority (GRTA, within State Road and Tollway Authority (SRTA)).
GA	Atlanta Area	Chicago Transit Authority (CTA). Northeast Illinois Regional Commuter Railroad Corporation (Metra/ NIRCRC). Northern Indiana Commuter Transportation District (NICTD). PACE Suburban Bus Company.
Metropolitan Atlanta Rapid Transit Authority (MARTA)..	Chicago Area	Massachusetts Bay Transportation Authority (MBTA). Connecticut Department of Transportation (CDOT). Connecticut Transit (Hartford Division and New Haven Divisions of CTTransit). Metropolitan Transportation Authority (All Agencies). New Jersey Transit Corp. (NJT). New York City Department of Transportation. Port Authority Trans-Hudson Corporation (Port Authority of New York and New Jersey) (PANYNJ) (excluding ferry). Westchester County Department of Transportation Bee-Line System (The Bee-Line System).
IL/IN	Boston Area	Delaware River Port Authority (DRPA)—Port Authority Transit Corporation (PATCO). Delaware Transit Corporation (DTC). New Jersey Transit Corp. (NJT) (covered under NY). Pennsylvania Department of Transportation.
MA	New York City/Northern New Jersey Area (New York City and Jersey City/Newark urban Areas).	
NY/NJ/CT	Philadelphia Area	
PA/NJ		

State	Urban area	Systems
		Southeastern Pennsylvania Transportation Authority (SEPTA).

APPENDIX B TO PART 1582—SECURITY-SENSITIVE JOB FUNCTIONS FOR PUBLIC TRANSPORTATION AND PASSENGER RAILROADS

This table identifies security-sensitive job functions for owner/operators regulated

under this part. All employees performing security-sensitive functions are “security-sensitive employees” for purposes of this rule and must be trained.

Categories	Security-sensitive job functions for public transportation and passenger railroads (PTPR)
A. Operating a vehicle	1. Employees who— a. Operate or control the movements of trains, other rail vehicles, or transit buses. b. Act as train conductor, trainman, brakeman, or utility employee or performs acceptance inspections, couples and uncouples rail cars, applies handbrakes, or similar functions. 2. Employees covered under the Federal hours of service laws as “train employees.” See 49 U.S.C. 21101(5) and 21103.
B. Inspecting and maintaining vehicles	Employees who— 1. Perform activities related to the diagnosis, inspection, maintenance, adjustment, repair, or overhaul of electrical or mechanical equipment relating to vehicles, including functions performed by mechanics and automotive technicians. 2. Provide cleaning services to vehicles owned, operated, or controlled by an owner/operator regulated under this subchapter.
C. Inspecting or maintaining building or transportation infrastructure.	Employees who— 1. Maintain, install, or inspect communication systems and signal equipment related to the delivery of transportation services. 2. Maintain, install, or inspect track and structures, including, but not limited to, bridges, trestles, and tunnels. 3. Provide cleaning services to stations and terminals owned, operated, or controlled by an owner/operator regulated under this subchapter that are accessible to the general public or passengers. 4. Provide maintenance services to stations, terminals, yards, tunnels, bridges, and operation control centers owned, operated, or controlled by an owner/operator regulated under this subchapter. 5. Employees covered under the Federal hours of service laws as “signal employees.” See 49 U.S.C. 21101(4) and 21104.
D. Controlling dispatch or movement of a vehicle	Employees who— 1. Dispatch, report, transport, receive or deliver orders pertaining to specific vehicles, coordination of transportation schedules, tracking of vehicles and equipment. 2. Manage day-to-day management delivery of transportation services and the prevention of, response to, and redress of service disruptions. 3. Supervise the activities of train crews, car movements, and switching operations in a yard or terminal. 4. Dispatch, direct, or control the movement of trains or buses. 5. Operate or supervise the operations of moveable bridges. 6. Employees covered under the Federal hours of service laws as “dispatching service employees.” See 49 U.S.C. 21101(2) and 21105.
E. Providing security of the owner/operator’s equipment and property.	Employees who— 1. Provide for the security of PTPR equipment and property, including acting as a police officer. 2. Patrol and inspect property of an owner/operator regulated under this subchapter to protect the property, personnel, passengers and/or cargo.
F. Loading or unloading cargo or baggage	Employees who load, or oversee loading of, property tendered by or on behalf of a passenger on or off of a portion of a train that will be inaccessible to the passenger while the train is in operation.

Categories	Security-sensitive job functions for public transportation and passenger railroads (PTPR)
G. Interacting with travelling public (on board a vehicle or within a transportation facility).	Employees who provide services to passengers on-board a train or bus, including collecting tickets or cash for fares, providing information, and other similar services. Including: 1. On-board food or beverage employees. 2. Functions on behalf of an owner/operator regulated under this subchapter that require regular interaction with travelling public within a transportation facility, such as ticket agents.
H. Complying with security programs or measures, including those required by Federal law.	1. Employees who serve as security coordinators designated in § 1570.201 of this subchapter, as well as any designated alternates or secondary security coordinators. 2. Employees who— a. Conduct training and testing of employees when the training or testing is required by TSA's security regulations. b. Manage or direct implementation of security plan requirements.

PART 1583 [RESERVED]

PART 1584—HIGHWAY AND MOTOR CARRIER SECURITY

Subpart A—General

Sec.

1584.1 Scope.

1584.3 Terms used in this part.

Subpart B—Security Programs

1584.101 Applicability.

1584.103 [Reserved]

1584.105 [Reserved]

1584.107 [Reserved]

1584.109 [Reserved]

1584.111 [Reserved]

1584.113 Security training program general requirements.

1584.115 Security training and knowledge for security-sensitive employees.

APPENDIX A TO PART 1584—URBAN AREA DETERMINATIONS FOR OVER-THE-ROAD BUSES

APPENDIX B TO PART 1584—SECURITY-SENSITIVE JOB FUNCTIONS FOR OVER-THE-ROAD BUSES

AUTHORITY: 49 U.S.C. 114; Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1501 (6 U.S.C. 1151), 1531 (6 U.S.C. 1181), and 1534 (6 U.S.C. 1184).

SOURCE: 85 FR 16515, Mar. 23, 2020, unless otherwise noted.

Subpart A—General

§ 1584.1 Scope.

This part includes requirements for persons providing transportation by an over-the-road bus (OTRB). Specific sections in this part provide detailed requirements.

§ 1584.3 Terms used in this part.

In addition to the terms in §§ 1500.3, 1500.5, and 1503.202 of subchapter A and § 1570.3 of subchapter D of this chapter, the following term applies to this part.

Security-sensitive employee means an employee whose responsibilities for the owner/operator include one or more of the security-sensitive job functions identified in Appendix B to this part where the security-sensitive function is performed in the United States or in direct support of the common carriage of persons or property between a place in the United States and any place outside of the United States.

Subpart B—Security Programs

§ 1584.101 Applicability.

The requirements of this subpart apply to each OTRB owner/operator providing fixed-route service that originates, travels through, or ends in a geographic location identified in appendix A to this part.

§ 1584.103 [Reserved]

§ 1584.105 [Reserved]

§ 1584.107 [Reserved]

§ 1584.109 [Reserved]

§ 1584.111 [Reserved]

§ 1584.113 Security training program general requirements.

(a) *Security training program required.* Each owner/operator identified in § 1584.101 of this part is required to