

April 30, 2009

Via email to ginger.lemay@dhs.gov

Ms. Ginger LeMay
PRA Officer, Office of Information Technology
Transportation Security Administration
601 South 12th Street
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Re: OMB Control Number: 1652-0036: "Intent to Request Renewal from OMB of One Current Public Collection of Information: Corporate Security Review"

The American Trucking Associations (ATA)¹ is pleased to offer its comments on the Transportation Security Administration's Intent to Request Renewal from the Office of Management and the Budget of One Current Public Collection of Information: Corporate Security Review.² As the primary representative of the trucking industry, ATA supports efforts to enhance transportation security. The Transportation Security Administration's (TSA) "no-fault" approach has encouraged participation from companies that might otherwise be wary of inviting government inspectors onto their property. However, ATA has concerns about the duplication of effort that the Corporate Security Review (CSR) program represents for motor carriers and the federal government.

To conserve scarce government resources and minimize the administrative burdens on the regulated community, ATA recommends the following:

- TSA should review the data already collected through the Federal Motor Carrier Safety Administration (FMCSA) Security Contact Reviews (SCR) and other FMCSA programs rather than replicate aspects of other federal security audit programs;
- TSA should leverage the resources identified in its October 2008 Memorandum of Understanding (MOU) with the Federal Motor Carrier

¹ ATA is a federation of motor carriers, state trucking associations, and national trucking conferences that promotes and protects the interests of the trucking industry. Directly, and through its affiliated organizations, ATA represents more than 37,000 motor carriers of every size, type, and class in the U.S., Canada and Mexico.

² See 74 *Federal Register* 9620 (March 5, 2009).

Safety Administration (FMCSA) and build upon their previous collaboration in the Missouri CSR Pilot project to appropriately incorporate security measures from FMCSA's Security Contact Reviews and other FMCSA-administered review programs; and

- If TSA believes that the SCR is not effective in certifying that trucking companies have established compliant security programs, then TSA should advise FMCSA as to the specific information needs to be captured in the SCR process.

FMCSA Already Collects Much of this Data

As part of DOT's HM-232 requirements, FMCSA conducts SCRs of all motor carriers transporting Hazardous Materials (HazMat). All HazMat carriers are required to develop written security plans that are reviewed by FMCSA under the SCR program. Despite having access to this information, TSA does not systematically review data collected through the SCR by FMCSA to examine this program's efficacy. By not analyzing the FMCSA data, TSA misses opportunities to take advantage of synergies between the two programs—synergies that would yield cost and man-hour savings to both industry and the federal government. Before any consideration is given to renewing the CSR program, TSA should work with FMCSA to evaluate if data collected under the SCR is sufficient for TSA's purposes. If it is not, TSA should work with FMCSA to add any additional necessary data elements to FMCSA's existing SCR audits. Only if this proves infeasible should TSA then apply to OMB for authorization for an information collection request and in that case the authorization request should be limited to information that FMCSA is not currently collecting.

TSA Should Leverage Existing FMCSA Inspection Structures

Because TSA has limited funding to perform CSRs, the agency worked with FMCSA in FY2006 to develop a pilot project in Missouri that combined TSA's CSR program with the SCR required under the HM-232 regulations. Under this pilot, SCRs were overseen by FMCSA, but performed by state/local police under the Motor Carrier State Assistance Program (MCSAP) funding umbrella. By allowing Missouri state police to administer the program, the agency was able to expand the number of reviews from just over one hundred companies to 3,420 in just one year.³

Rather than a situation where the CSR competes with the SCR and resources are wasted, TSA should work with FMCSA to develop a unified federal program where the TSA CSRs are incorporated into the FMCSA SCR program as well as other FMCSA performed or licensed inspections. TSA has alluded to plans for training third-party inspectors. There is no need to duplicate the FMCSA arrangement and train an

³ U.S. General Accounting Office. *Commercial Vehicle Security: Risk-Based Approach Needed to Secure the Commercial Vehicle Sector*. 27 February 2009. <http://www.gao.gov/new.items/d0985.pdf>.

extraneous set of inspectors when a fully-experienced cadre who are already knowledgeable about the industry already exists. TSA should define what specific criteria it requires, perhaps using the CSR as a guide, and allow FMCSA to perform the field work.

Conclusion

Both FMCSA and TSA have invested time and resources to produce programs to verify that motor carriers transporting certain types of cargo have implemented appropriate security measures. ATA believes that FMCSA and TSA should work in a collaborative manner. TSA should provide FMCSA with the specific data and information it requires, and FMCSA should incorporate such information gathering in the inspection and data gathering process, providing such information to TSA for review and follow up if necessary. ATA believes that this type of inter-agency collaboration provides an efficient, sensible, economical and secure manner of verifying compliance by motor carriers with security requirements.

ATA and its members look forward to further collaborating with TSA, FMCSA and other federal agencies to continue to ensure the security of our Nation's critical infrastructure, including our highway and motor carrier sector while leveraging scarce government resources.

Thank you for considering ATA's concerns on this issue. Should you have any questions related to these issues, please contact the undersigned at 703-838-7982 or bstephenson@trucking.org.

Respectfully submitted,



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