



TSA Policy Updates Surface Policy Division

October 26, 2022

AGENDA

- 1. Security Training Programs**
- 2. Cybersecurity Updates**
- 3. Vetting Rulemaking**
- 4. Other Activities / Upcoming Events**



Security Training Rule Summary

- To help mitigate the risk of terrorism and other security threats to surface transportation, the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act) mandated the Secretary of Homeland Security to develop regulations, including security training, to prepare frontline surface transportation employees for potential security incidents.
- Within the Department of Homeland Security (DHS), the Transportation Security Administration (TSA) has primary responsibility for ensuring the security of surface transportation operations.



Security Training Rule Summary

- On March 23, 2020, TSA published the Security Training for Surface Transportation Employees Final Rule in the *Federal Register*.
- In special consideration of the challenges to the surface transportation industry in response to the Novel Coronavirus (COVID-19), TSA amended this rule on May 1, 2020, extending the rule's effective date from June 22, 2020 to **September 21, 2020**.



Security Training Rule Summary - Applicability

- Higher-risk public transportation (rail and bus) and passenger rail operations are covered.
 - Amtrak
 - The 46 specific agencies and companies listed in Appendix A to Part 1582
 - Owner/operators that serve as a host railroad to a freight operation described in §1580.301
- All agencies have submitted their security training plans. The majority of them have been approved.

Security Training Rule Summary - Timeline

- The Security Training Rule became effective **September 21, 2020**
- Owner/operators must submit their training programs to TSA for approval by **March 22, 2021**
- **Owner/operators must ensure employees in security sensitive positions complete initial training within one (1) year after TSA approves the training program**
- Once TSA approves the security training program, **all new employees performing SSE functions must be trained within 60 days** from first performing that function and have a plan/procedure for ensuring the supervision of untrained security-sensitive employees.
- Employees in security-sensitive positions must receive refresher training at least once every three years
- Surface Operations is in the process of conducting compliance reviews.

Security Training Rule Summary

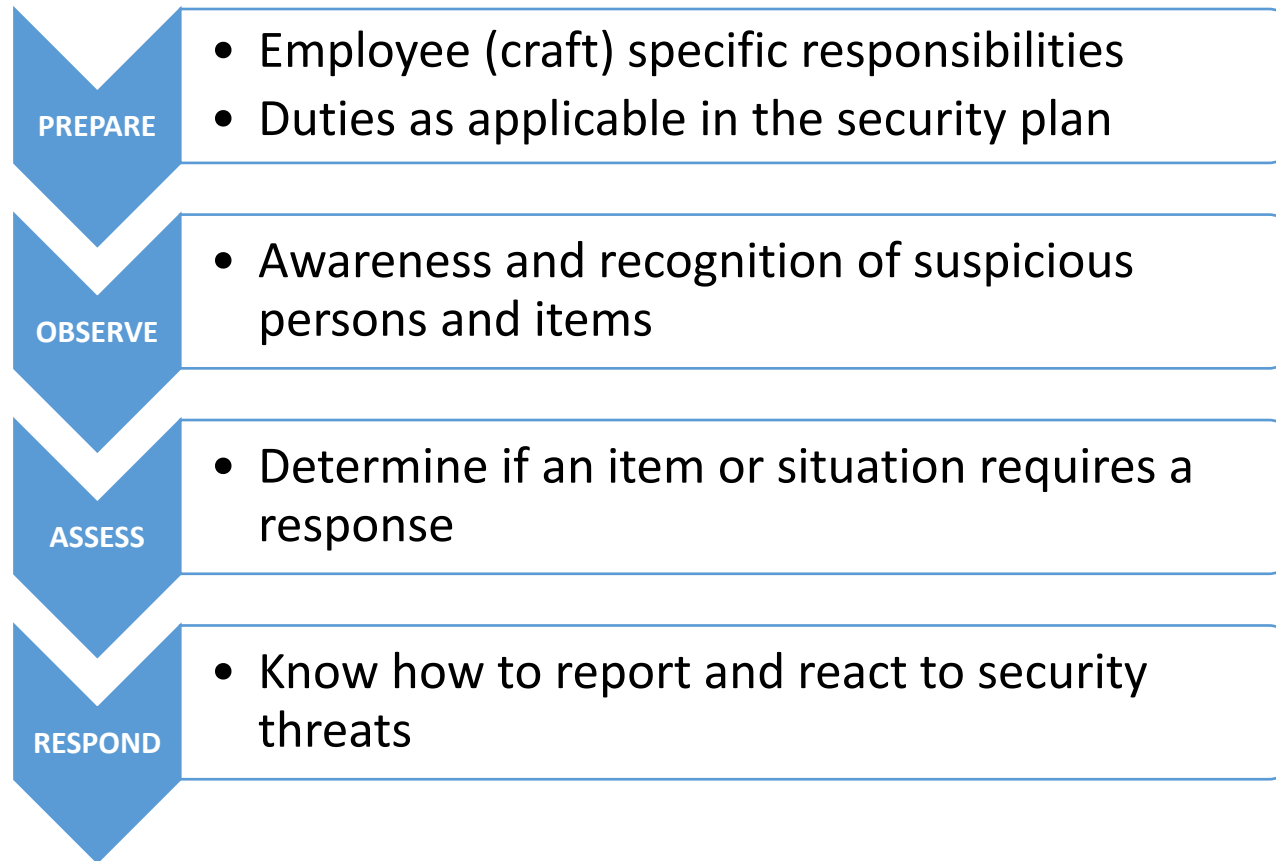
Owner/operators may determine if an employee falls within in a security-sensitive category and function by referring to **Appendix B to Part 49 CFR 1582, Security-Sensitive Job Functions For Public Transportation and Passenger Railroads**. Categories include employees/contractors performing the following functions:

- Operating a vehicle
- Inspecting and maintaining vehicles
- Inspecting or maintaining building or transportation infrastructure
- Controlling dispatch or movement of a vehicle
- Providing security of equipment and property
- Loading or unloading cargo or baggage
- Interfacing with traveling public
- Complying with security programs or measures

Per Section 1570.3, employee means an individual who is engaged or compensated by an owner/operator regulated under this subchapter, or by a contractor to an owner/operator regulated under this subchapter. The term includes direct employees, contractor employees, authorized representatives, immediate supervisors, and individuals who are self-employed.

Security Training Rule Summary

Training must address:



See §1582.115

Cybersecurity Updates

- The Administration and Department of Homeland Security have identified Cybersecurity as a top priority. Improving the Cybersecurity of critical infrastructure across the United States is critically important.
- In May 2021, Colonial Pipeline, an American oil pipeline system that originates in Houston, TX, and carries gasoline and jet fuel mainly to the southeastern United States suffered a ransomware cyberattack that impacted equipment managing the pipeline.



Cybersecurity Updates – Recent TSA Actions

- In the summer of 2021, TSA issued a Security Directive to critical pipeline owner/operators requiring them to take specific measures to improve their cybersecurity posture.
- More recently, TSA issued a Cybersecurity Directive in December 2021 to “higher risk” passenger railroads and transit operators requiring them to take four actions:



Cybersecurity Updates - Requirements

1. Identify a primary and alternate cybersecurity coordinator
2. Report cybersecurity incidents to CISA
3. Develop and implement a cybersecurity incident response plan
4. Conduct a cybersecurity vulnerability assessment using the form provided by TSA
 - Identify gaps and vulnerabilities
 - Identify remediation measures



Cybersecurity Updates - Compliance

- TSA Surface Inspectors have begun compliance reviews
- Working in collaboration with owner/operators to inspect against these four required actions



Vetting Rulemaking

- TSA intends to publish the Vetting of Certain Surface Transportation Employees Notice of Proposed Rulemaking (Vetting NPRM) in late 2022.
- This rule is necessary to meet statutory requirements covered in the 9/11 Act*
- The proposed rule would require security threat assessments (background checks) for certain public transportation agency, railroad carrier, and over-the-road bus employees.
- TSA also intends to propose the standards and procedures to conduct the required vetting.

** See sections 1411, 1414, 1512, 1520, 1522, and 1531 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53 (121 Stat. 266; Aug. 3, 2007) (9/11 Act).*



Other Activities/Upcoming Events

- TSA Surface Operations continues to conduct Baseline Assessment for Security Enhancement Reviews on Public Transportation owner/operators.
 - TSA exploring updating this program in 2023
- I-STEP Program
 - FY 2023 Schedule
- Mass Transit and Passenger Rail Security and Emergency Management Roundtable
 - APTA Partnership / In conjunction w the Rail Conference
 - June 2023 / Pittsburgh, PA



Questions

- I will attempt to answer any questions you may have regarding TSA updates.
- Feel free to contact me anytime:

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