

# **TWIC/MTSA POLICY ADVISORY COUNCIL**

**February 10, 2009**

## **Policy**

### **Limited Equivalent Security Measure for Truck Drivers with HME on a CDL or FAST Card**

**04-09**

**Issue** – On October 21, 2008 the government facility that houses the Transportation Worker Identification Credential (TWIC) system experienced a building-wide power outage. Although power was quickly restored, the part of the system that facilitates credential activations was affected. The Transportation Security Administration's (TSA) TWIC Program office resolved this issue and full activation capability was restored nation-wide by the end of November 2008. The outage and subsequent activation back-log has impacted applicants across Captain of the Port (COTP) zones both in compliance and those soon coming into compliance. The back-log has especially impacted the trucking community due to the transient nature of their work. In some cases, truckers will only have the ability to visit an enrollment center once in a month to obtain their TWIC once ready for pick-up.

When applying for a hazardous material endorsement (HME) on a commercial driver's license (CDL) or a Free and Secure Trade (FAST) card, drivers undergo a security threat assessment (STA) and name based check similar to the checks used to obtain a Merchant Mariner Document, Merchant Mariner License or a TWIC. Is there any regulation that allows truck drivers to use the comparable endorsements on their license and proof of TWIC enrollment to gain unescorted access to Maritime Transportation Security Act (MTSA) regulated facilities currently in compliance, on a temporary basis pending full implementation of TWIC?

**Background** – TSA reviews and approves comparability assessments for other security threat assessments conducted by a governmental agency; if approved, a comparable security threat assessment allows the holder the opportunity to obtain a reduced fee TWIC based upon successful completion of a STA. However, an applicant who has completed a security threat assessment that is determined to be comparable must still complete the enrollment process and provide biometric information to obtain a TWIC, if the applicant seeks unescorted access to a secure area of a MTSA regulated facility (49 CFR 1572.5(e)(4)).

TSA has determined that the STA for an HME endorsement on a CDL and a FAST card is comparable to the security threat assessment conducted for TWIC (49 CFR 1572.5(e)(5)&(6)). Under current regulations however, unless the driver holds a valid TWIC, unescorted access to secure areas of MTSA regulated facilities cannot be granted (33 CFR 105.255).

Policy Advisory Council (PAC) Decision 07-08 Change 4, dated January 29, 2009 may be utilized to mitigate such circumstances for many individuals since they have successfully passed a security threat assessment; however, the provisions of PAC 07-08 Change 4 have expired for 15 COTP zones and is currently scheduled to expire for another 14 COTP zones by the end of February 2009.

**Discussion** – In order to minimize disruptions to commerce, as a result of card issuance challenges, the U.S. Coast Guard has developed an alternative method for facility owners/operators to use to grant unescorted access to individuals who are currently required to present a TWIC at MTSA regulated facilities.

At the owner/operators discretion, until April 15, 2009, truckers will be allowed to use their valid CDL with an HME or FAST credential along with proof of enrollment for a TWIC to gain unescorted access to secure areas of the facility. This allows truckers with a comparable threat assessment to be eligible for unescorted access while waiting for their TWIC, provided they have completed the enrollment process. To show proof of enrollment the individual must possess one of the following examples of documents, along with their valid HME on a CDL or FAST card, in order to gain unescorted access:

- 1) Providing the facility security officer (FSO), or other facility employee with security duties, with the individual's TWIC application ID number, which can then be used on the "check card status" feature on [www.twicinformation.com](http://www.twicinformation.com) (acceptable statuses under this PAC include: application pending, card in production, card in transit, or card ready for activation); or
- 2) Provide the FSO, or other facility employee with security duties, a receipt from the enrollment center as proof of payment for enrollment.

COTPs should work closely with facility owners and operators to ensure that the above policy is implemented to provide equivalent security at MTSA regulated facilities while minimizing impacts on maritime operations and commerce.

**Applicability:**

This PAC will remain in effect until **April 15, 2009** for truck drivers who currently hold a **valid CDL license with a valid HME or FAST card.**

Upon expiration of this PAC (April 15, 2009), only individuals with a valid TWIC will be eligible for unescorted access to a Maritime Transportation Security Act (MTSA) regulated facility.