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Title 49 —Transportation

Subtitle B —Other Regulations Relating to Transportation

Chapter XII —Transportation Security Administration, Department of Homeland Security

Subchapter D —Maritime and Surface Transportation Security

Part 1584 Highway and Motor Carrier Security

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PART 1584—HIGHWAY AND MOTOR CARRIER SECURITY

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).

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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 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 § 1584.115 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 § 1584.115 of this part.

(c) ***Relation to other training.***

- (1) Training conducted by owner/operators to comply other requirements or standards 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.

§ 1584.115 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 § 1584.101 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, 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 1584—Urban Area Determinations for Over-the-Road Buses

State	Urban area	Geographic areas
CA	Anaheim/ Los Angeles/ Long Beach/ Santa Ana Areas	Los Angeles and Orange Counties.
	San Diego Area	San Diego County.
	San Francisco Bay Area	Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties.
DC (VA, MD, and WV)	National Capital Region	District of Columbia; Counties of Calvert, Charles, Frederick, Montgomery, and Prince George's, MD; Counties of Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, and Warren County, VA; Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park City, VA; Jefferson County, WV.
IL/IN	Chicago Area	Counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will, IL; Counties of Jasper, Lake, Newton, and Porter, IN; Kenosha County, WI.
MA	Boston	Counties of Essex, Norfolk, Plymouth, Suffolk, Middlesex, MA; Counties of

State	Urban area	Geographic areas
	Area	Rockingham and Strafford, NH.
NY (NJ and PA)	New York City/Jersey City/ Newark Area	Counties of Bronx, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester, NY; Counties of Bergen, Essex, Hudson, Hunterdon, Ocean, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, and Union, NJ; Pike County, PA.
PA (DE and NJ)	Philadelphia Area/ Southern New Jersey Area	Counties of Burlington, Camden, and Gloucester, NJ; Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia, PA; New Castle County, DE; Cecil County, MD; Salem County, NJ.
TX	Dallas Fort Worth/ Arlington Area Houston Area	Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, Rockwall, Johnson, Parker, Tarrant, and Wise Counties, TX. Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, and Waller Counties, TX.

Appendix B to Part 1584—Security-Sensitive Job Functions for Over-the-Road Buses

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 over-the-road buses
A. Operating a vehicle	Employees who have a CDL and operate an OTRB.
B. Inspecting and maintaining vehicles	Employees who— <ol style="list-style-type: none"> 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. Does not include cleaning or janitorial activities.
C. Inspecting or maintaining building or transportation infrastructure	Employees who— <ol style="list-style-type: none"> 1. Provide cleaning services to areas of facilities owned, operated, or controlled by an owner/operator regulated under this subchapter that are accessible to the general public or passengers. 2. Provide cleaning services to vehicles owned, operated, or controlled by an owner/operator regulated under this part (does not include vehicle maintenance).

Categories	Security-sensitive job functions for over-the-road buses
D. Controlling dispatch or movement of a vehicle	<p>3. Provide general building maintenance services to buildings owned, operated, or controlled by an owner/operator regulated under this part.</p> <p>Employees who—</p> <ol style="list-style-type: none"> 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 delivery of transportation services and the prevention of, response to, and redress of disruptions to these services. 3. Perform tasks requiring access to or knowledge of specific route information.
E. Providing security of the owner/operator's equipment and property	Employees who patrol and inspect property of an owner/operator regulated under this part 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 bus that will be inaccessible to the passenger while the vehicle is in operation.
G. Interacting with travelling public (on board a vehicle or within a transportation facility)	<p>Employees who—</p> <ol style="list-style-type: none"> 1. Provide services to passengers on-board a bus, including collecting tickets or cash for fares, providing information, and other similar services. 2. Includes food or beverage employees, tour guides, and functions on behalf of an owner/operator regulated under this part 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	<ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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.