



**AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION**

May 9, 2022

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Ms. Christina A. Walsh
TSA PRA Officer
Information Technology
TSA-11
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 20598-6011

Subject: TSA Information Collection Request Cybersecurity Measures for Surface Modes

Dear Ms. Walsh:

The American Public Transportation Association (APTA) represents an \$80 billion industry that directly employs 450,000 people and supports millions of private-sector jobs. Safety is the number one core value for APTA members, including bus, rail, commuter and intercity rail and ferry operators. The men and women responsible for managing and operating public transportation systems are fully committed to the safety of their systems, passengers, employees, and the public. APTA appreciates the opportunity to respond to this Information Collection Request (ICR) for Cybersecurity Measures for Surface Modes published in the *Federal Register* on April 7, 2022, at 87 FR 20453.

APTA continues to be concerned about the lack of public comment on Security Directives 1580-2021-01 and 1582-2021-02. By doing so, the Transportation Security Administration (TSA) would have followed the process employed for the Security Training for Surface Transportation Employees rule, which invited public comment and gave TSA the ability to consider those comments before issuing a final regulation. This process would allow all affected parties, including APTA members, to identify concerns and potential impacts of the proposed requirements on rail transit and passenger rail operations, and would provide TSA sufficient time to address any issues raised during the process.

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Some rail transit agencies and passenger rail operations impacted by the Cybersecurity Security Directives issued by TSA are grappling to develop their incident response plans. Without technical assistance, templates, TSA support and funding, agencies may struggle to develop and implement a cybersecurity incident response plan within the 180 days of the effective date of the Security Directive, as required.

The Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) requires critical infrastructure operators to report cyber security incidents to the Cybersecurity and Infrastructure Security Agency (“CISA”) within 72 hours as does the Strengthening American Cybersecurity Act of 2022 (SACA). This does not align with the TSA Security Directives that require operators to report to CISA no later than 24 hours after a cybersecurity incident is identified. The 72 hours reporting requirement should be adopted now to align with the CIRCIA and SACA.

Intrusion detection and prevention, backups, the proven ability to restore from backup, as well as a next generation firewall to block abnormal behavior, malware and command and control attempts can easily cost hundreds of thousands of dollars, take months to a year to configure or install and requires staffing to deploy and manage operations and maintenance, depending on the size of the network. Results of the required assessment may identify priorities for enhancement to capabilities and require investments and practices that agencies lack the resources and funding to implement.

APTA commits to continue to partner with TSA to share recommended practices with transit agencies on cyber security and to assist them in the development of their plans so that agencies can eventually meet the requirements. If there are any questions regarding this letter, please contact APTA’s Senior Director of Security, Ms. Polly Hanson, at phanson@apta.com or (703) 505-2523.

Sincerely,

A handwritten signature in black ink that reads "Paul P. Skoutelas". The signature is written in a cursive, flowing style.

Paul P. Skoutelas
President and Chief Executive Officer