

**COMMENTS OF THE
NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION, INC.
IN RESPONSE TO THE DEPARTMENT OF DEFENSE
REQUEST FOR COMMENTS ON A PROPOSED INFORMATION COLLECTION
ESTABLISHING AUTOMATED INSTALLATION ENTRY (AIE) SYSTEM
OMB CONTROL NUMBER 0702-0125
DOCKET ID USA—2016—HQ—0038**

I. INTRODUCTION

The National Motor Freight Traffic Association, Inc., (NMFTA) submits these comments in response to a request for comments on a proposed new information collection published in the Federal Register on December 29, 2016 entitled Automated Installation Entry (AIE) System.

II. STATEMENT OF INTEREST

NMFTA is a nonprofit membership organization headquartered at 1001 North Fairfax Street, Suite 600, Alexandria, VA 22314. Its membership is comprised of approximately 525 motor carriers operating in interstate, intrastate and foreign commerce primarily specializing in the transportation of less-than-truckload (LTL) quantities of freight. NMFTA's mission is to serve as a research and development organization providing the transportation industry with the necessary information to advance and improve their interests and welfare. NMFTA is committed to helping the industry meet transportation challenges through research, education, and publication of specifications, rules, transportation codes and the preparation and dissemination of studies, reports and analyses. NMFTA participates in judicial, regulatory and legislative proceedings to represent the interests and welfare of its members and is authorized to file comments in this proceeding. Many of NMFTA's members enter military facilities to pick-up and deliver freight and efficient access is of great importance to them.

III. COMMENTS

DoD has apparently proposed this information collection in support of its electronic physical access control system to validate both driver identify and fitness as outlined in the January 26, 2017 update to "Motor Carrier Installation Access: The Department's Way-Forward" (see Appendix A). NMFTA supports the proposed information collection so far as the DoD continues to accept the Transportation Worker Identification Credential (TWIC) as a long-term form of driver identification. Section 1050(a) of the National Defense Act of 2017 states that "During the period that the Secretary is developing and fielding physical access standards, capabilities, processes, and electronic access control systems, the Secretary shall, to the maximum extent practicable, ensure that the Transportation Worker Identification Credential (TWIC) shall be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers." Thus, it appears that the TWIC is intended to only be a short-term solution, after which it is assumed that state-issued driver's licenses would be the permanently accepted credential. NMFTA believes that acceptance of the TWIC is vitally important because not all state-issued driver's licenses are compatible with the REAL ID Act of 2005. State-issued driver's licenses that are not compliant with the REAL ID Act are not an acceptable form of identification for entering U.S. government facilities. According to the Department of Homeland Security, presently five states do not have compliant driver's licenses and 31 states have extensions until

dates later in 2017. Thus, if DoD eliminates acceptance of TWIC after its access systems have been completed but before many state issue REAL ID Act compliant driver's licenses, many drivers will be unable to enter DoD installations.

In its carrier access paper issued January 26, 2017, the DoD states that drivers may enroll at any "capable" installation. Due to the nature of carrier LTL operations, carriers serve their customers from geographically situated terminals. Pick-up and delivery drivers are assigned to those terminals and specific drivers typically operating within a defined area. It is probable that a driver could be serving a military base that is not a "capable" enrollment installation, seemingly creating only one costly and burdensome option of traveling to a "capable" location. It is not likely companies can afford to pay a driver for unproductive time to travel to a "capable" (unknown distance) installation nor pay the travel expense. NMFTA urges that the DoD act as swiftly as possible to allow drivers to enroll for DoD access at any military installation, not just "capable" installations.

DoD also mentions criteria installations will use for determining driver "fitness" in its carrier access paper. However, this criteria is not specifically defined. Carriers will need to know in advance of dispatching drivers which drivers will be judged ineligible to pick-up or deliver shipments.

IV. CONCLUSION

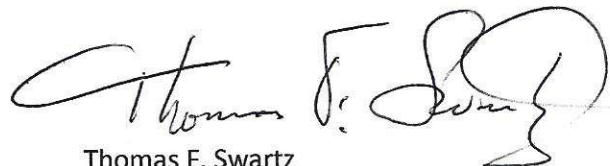
In general, NMFTA supports the proposed information collection. However, because many state issued driver's licenses are still not REAL ID Act of 2005 compliant, the mandate in Section 1050(a) of the National Defense Act of 2017 that the DoD accept the TWIC as a valid credential only during the period that the Secretary is developing the electronic access control system, and then only to the maximum extent practicable, many drivers may eventually find that their state-issued driver's licenses are not valid to allow entry to military installations. Additionally, NMFTA requests that the DoD allow drivers to enroll for access at any military installation, not just "capable" installations. Lastly, carriers will need to know the specific criteria the DoD will be using to determine driver "fitness" to efficiently assign drivers to routes that require entry to DoD installations.

Respectfully submitted,

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February 27, 2017



Motor Carrier Installation Access: The Department's Way-Forward

Original Publication Date: June 24, 2016

Last Update: January 26, 2017

The Department of Defense greatly values the role that the trucking industry plays in support of its mission and is committed to improving truck driver wait times and standardizing procedures for enabling unescorted access to its military installations. To that end, the Department has begun modifying its electronic physical access control systems (ePACS) to validate both driver identity and fitness (e.g. active wants/warrants) against the Identity Management Enterprise Services Architecture (IMESA). For installations that have both upgraded ePACS and connections to IMESA, DoD security gate personnel will soon be able to electronically scan a driver's Transportation Workers Identification Credential (TWIC) to enable unescorted access.

This paper outlines how the initiative will affect carriers. OSD will regularly update and distribute this paper to industry as the initiative progresses.

- *What are ePACS and IMESA?*

ePACS and IMESA are integral components of the Department's installation access initiative to evaluate an individual's eligibility for unescorted access to DoD facilities or installations. ePACS comprise a suite of hardware (e.g. handheld scanner) and software that enable installations to electronically screen visitors for access. The Department is modifying its ePACS to electronically interface with IMESA, a portal that connects to various law enforcement databases (e.g. FBI's Wants and Warrants and Terrorist Screening), which will enable the Department to continuously vet fitness for individuals seeking access to its installations.

ePACS Handheld Scanner



After initial enrollment in an installation's ePACS, gate personnel will electronically scan the drivers TWIC and the driver will automatically be vetted against IMESA. If the IMESA scan does not identify any negative indicators against law enforcement databases, the driver may be granted unescorted access and avoid the full background check for subsequent visits to the installation.

- *When will ePACS and IMESA be available at installations?*

As of January 2017, approximately 70% of the Department's installations have ePACS that are capable of interfacing with IMESA. The Department is developing a new installation access policy which outlines how installation ePACS will interface with IMESA and how installation personnel will enroll

drivers, and other installation visitors, into ePACS. The Department estimates that the Secretary of Defense will approve the new policy in Summer 2017 and that some installations may begin enrolling drivers as early as Spring 2017. The Department will update and distribute this paper, as well as list “capable” installations in the Military Surface Deployment and Distribution Command’s Transportation Facilities Guide, as installations begin enrolling drivers.

- *How do drivers enroll?*

Drivers may enroll at any “capable” installation. The installation will conduct an initial, full background check against the FBI’s National Crime Information Center, Wants and Warrants, and Terrorist Screening databases. If the driver meets fitness standards, the installation will enroll the driver into its ePACS. Initially, drivers may have to enroll in ePACS at each installation. In the future, drivers will enroll at a single DoD installation and be automatically enrolled at DoD installations that are “capable”.

Drivers will be required to provide a credential to prove identity (e.g. Driver’s License), Social Security Number, and full name in order to enroll. The driver will remain enrolled in the installation’s ePACS for up to 3 years, or until the expiration date of the driver’s TWIC, after which a driver must re-enroll and go through a full background check.

Eventually visitors will be able to enroll with a REAL ID (i.e. driver’s license for states that are compliant with the REAL ID act) or Personal Identity Verification–Interoperable (PIV-I); however, this capability is still in development.

- *Does the driver still need a valid reason for requesting unescorted access to the base?*

Yes, unescorted access will not be granted unless the driver can establish that he/she has a valid reason to access the installation. Establishing the need for access can be accomplished via various means, such as providing a copy of the bill of lading (either hard copy or electronic) to gate personnel.

- *How much does enrollment cost?*

Enrollment in installation ePACS is free for truck drivers with a TWIC. Carriers/drivers will be responsible for costs associated with the procurement of the TWIC.

- *What criteria will installations use for determining driver “fitness”?*

The new DoD installation access policy includes a standardized set of criteria, which will apply to most military Service installations, which may disqualify a driver from obtaining unescorted access. Some installations may enforce more stringent criteria due to the sensitive nature of the installation. Standardizing the criteria across most installations will enable carriers to make better informed decisions for dispatching drivers to pick-up shipments (e.g. if a driver picks-up at an Air Force installation and delivers to an Army installation, both installations will use the same criteria). As the initiative progresses, the standardized criteria will also enable drivers to enroll at a single DoD installation and be automatically enrolled at DoD installations that are “capable”.