



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference — International Brotherhood of Teamsters

NATIONAL LEGISLATIVE OFFICE

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JOHN P. TOLMAN

Vice President and

National Legislative Representative

February 26, 2007

Docket Clerk
DOT Central Docket Management Facility
Room PL-401
400 7th Street, SW (Plaza Level)
Washington, DC 20590-0001

Re: Docket No. TSA-2006-24191
Docket No. USCG-2006-24196

Dear Docket Clerk:

On January 25, 2007, the Department of Homeland Security (“DHS”) and the United States Coast Guard (“USCG”) published a final rule and request for comments with respect to their Transportation Worker Identification Credential (“TWIC”) program, which was assigned to the above-referenced dockets. 72 FR 3492–3604. In publishing the final rule, DHS and USGC specifically solicited comments limited to its proposal with respect to the TWIC card replacement fee. 72 FR 3492.

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (“BLET”), which is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive Engineer employed on all Class I railroads. BLET also represents operating and other employees on numerous Class II and Class III railroads. Consequently, the proposal for the TWIC card replacement fee could have a significant impact upon our members. For the reasons set forth below, BLET opposes requiring any worker to pay a TWIC card replacement fee.

In the Notice of Proposed Rulemaking published by DHS and USCG with regard to the TWIC program, it was proposed that the card replacement fee be set at \$36; DHS and USCG now propose to increase the fee to \$60. *See* 72 FR 3496 at Table 1. The agencies state that the card replacement fee “is the fee that an applicant would pay to replace a credential that has been lost, stolen, or damaged and is made up of the Card Replacement Segment.” 72 FR 3506. The agencies further state that the cause of this two-thirds increase in the fee is the result of (1) a reevalu-

DOT Docket Clerk

February 26, 2007

Re: Docket No. TSA-2006-24191

Docket No. USCG-2006-24196

Page 2

ation of TWIC cost components, and (2) a failure to include a contractor fee in the original estimate of cost. 72 FR 3507.

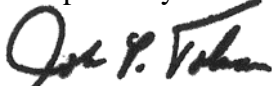
We strongly believe it is inappropriate to charge BLEET members — or any railroad or other transportation industry workers, for that matter — any fee in connection with the TWIC program, including a card replacement fee, for three reasons. First, it is the employer's responsibility to maintain a properly qualified and screened workforce, and the employer should bear all costs associated with the TWIC program as a cost of doing business.

Second, the overriding interest served by the TWIC program is the public interest. Further, the program was conceived and implemented in order to facilitate the work of various governmental security agencies. To the extent that employers are not required to bear all costs associated with the TWIC program, the government should bear the remainder as a reflection of the public and governmental interests served.

Third, even without any out-of-pocket costs, the TWIC program already has proven to be an invasive disruption in the lives of all transportation workers. Indeed, more than a half dozen railroad workers already have lost their positions, during the short period since promulgation of the TWIC program's overly broad requirements. To require transportation workers to pay any sort of fee associated with the credential only adds insult to injury in our view.

Accordingly, we strongly urge DHS and USCG to revise their proposal so as not to require a worker to pay any card replacement fee, or any other fee, for that matter. We appreciate the opportunity to participate in this matter.

Respectfully submitted,



Vice President and National Legislative Representative

cc: Advisory Board
All General Chairmen
All State Legislative Board Chairmen
Thomas A. Pontolillo, Director of Regulatory Affairs