

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 101 and 105

[Docket No. USCG-2013-1087]

RIN 1625-AC15

Seafarers' Access to Maritime Facilities

Public Meeting: Washington D.C.

January 23, 2015

Greetings: Captain Tucci and Members of the Committee

I would like to thank you for this opportunity to address your committee and share my comments and concerns with you regarding this Proposed Ruling.

My name is Rudy D'Ambrosio, and I work in New Haven, Connecticut. I am a retired law enforcement officer with over 30 years of Law Enforcement experience. Throughout the last 11 years I have worked in the Maritime Transportation Security Sector, including serving in the role of Facility Security Officer for a number of marine terminals, as established by the Maritime Transportation Security Act of 2002. I have extensive experience in threat and vulnerability assessments of maritime facilities, as well as with other issues related to marine terminal security.

I am currently engaged by a security firm that provides a wide range of maritime security services, including the provision of free escorts for Seafarers from the vessel gangway to the gate and back.

I support section 811 of the Coast Guard Authorization Act of 2010 which was passed by Congress.

While I am concerned with a number of changes contained within this NPR, my primary concern is that the Notification of Proposed Ruling significantly expands the original scope of the law by including a catch-all term of “**other authorized individuals**”.

This seemingly innocuous language change will dramatically increase the traffic within secure port facilities. Such an increase in these “authorized individuals” within restricted areas will pose increased safety and security risks, requiring additional security measures within restricted areas of secure port facilities to address these risks.

Certainly, it is recognized that the MTSA of 2002 required significant costs to implement the required measures. These costs have been borne by all maritime stakeholders including the U.S Government, local governments, port authorities, vessel interests, and marine terminal operators.

This new Proposed Ruling will increase the costs again, but this time only to marine terminal operators, as there will be an increase in traffic of “authorized individuals” transiting the restricted areas of the terminals under this Proposed Rule. These individuals must still be escorted by security personnel in order to comply with USCG approved Facility Security Plans as required by the MTSA of 2002. The issue is that the Proposed Rule would allow for all other “authorized individuals” to enter the facility at no cost to those individuals. If the individual is not to bear the costs incurred for their own benefit, who will? It appears it is the intent of the Proposed Rulemaking to pass this increased cost, as required to comply with the approved Facility Security Plans, directly on to the terminal operator. Absent a means to pay for these increased costs, this will create an environment which will stress an effective facility security infrastructure. No successful, responsible, port operator has existing excess security resource capacity which can simply absorb the additional workload which will be created by this change.

Accordingly, we strongly encourage the Coast Guard to maintain the shore access provision for seafarers and other individuals as set forth by Congress in 2010, and not to impose another unfunded mandate to provide “free” access to a much greater number of individuals transiting restricted areas. In this instance, as in most instances, there is no such thing as “free”. There are very real costs involved in this Proposed Rule. It is unreasonable to ask terminal operators to bear this cost when there is no benefit to them whatsoever.

At this time when our country and the world are facing increased threats of terrorism, we should not be reducing our security standards at our Waterfront Facilities. Approval of this Proposed Rule will effectively do just that.

Thank you for your attention and consideration.

Regards,

Rudolph D’Ambrosio

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