

ASPA TWIC Escort Policy – FAQs

Q: Is it a USCG/TSA policy that you have to be “certified” to be an escort? Or is this an ASPA policy?

A: *USCG does not require regulated facilities to allow escorting, but if facilities do allow it, the regulations require that TWIC escorts meet training standards established by the Coast Guard. Further, the Coast Guard has emphatically stated that they will hold the regulated facility responsible for the failure of escorts to maintain required escort standards. ASPA could be subject to fines of up to \$35,000 per incident per day for allowing improper escorting on our facilities.*

Q: Are you all going to have a class that the escorts will attend? Or do we have to “train” ourselves?

A: *Our draft policy places the responsibility for training escorts on the sponsoring company, but we can look at providing some kind of assistance if folks think it would be helpful.*

Q: When will we be able to send the sponsorship request for authorized escorts to you?

A: *We will send out a final version of the policy after everyone has had a chance to review it and offer comments. Requests can be submitted then.*

Q: How will sponsorship requests be submitted?

A: *The Application for TWIC Escort Sponsorship will be posted on the ASPA website in the Security Information section as “TWIC Escort Application”. Companies whose name appears on the drop-down list should complete an application form for each sponsored employee and submit it to fso@asdd.com.*

Q: How long will it take to be approved as a TWIC escort?

A: *A sponsoring employer must submit an application for a TWIC escort at least seven days prior to assigning the employee to escort duties, but the employee can not engage in escort duties until they have received their ASPA escort credential.*

Q: If you are certified to be an escort in Mobile, will you be allowed to escort in other ports?

A: *Each regulated facility will establish its own escort policy. The draft policy we have distributed is strictly an ASPA escort policy.*

Q: How long will the escort credential be valid?

A: *The initial escort credential will be valid for the same period of time as the applicant's current credential or one (1) year, whichever is longer.*

Q: Can I get an ASPA escort credential if I don't have a TWIC?

A: *No, you must have a valid TWIC to receive an escort credential and you must be sponsored by your employer. Authorized employers will submit TWIC escort applications on behalf of their employees*

Q. Why do I have to get an ASPA escort credential; can't I use the TWIC card if my employer approves me as an escort?

A. *USCG regulations allow a facility owner to use their own facility specific card as their access control measure, as long as they ensure individuals without a TWIC cannot gain unescorted access to restricted areas and the TWIC is checked at least once before the specific card is accepted or reissued. ASPA has elected to use its own access control and escort credentials for reasons stated in the answer to the first question on page one.*

Q. The policy states that a sponsoring employer must agree to accept fines imposed by federal authorities if sponsored employees fail to meet Coast Guard requirements for escorting. What kind of fine is possible?

A. *Coast Guard regulations allow for a fine of up to \$35,000.00 per incident per day.*

Q. Is there a fee for sponsoring an employee?

A. *No, there is not a fee for sponsoring an employee. There is a normal credential fee of \$25.00 when a credential is first issued or when it is renewed.*

Q. According to the policy, mariners are exempt from the escort requirement while engaged in normal operations in support of the vessel. Would meeting a chandler at the gate or delivering ship's papers to port police be considered normal operations in support of the vessel?

A. *No, the key phrase here is "...limited access to the area immediately adjacent to their vessels..." Mariners are only permitted unescorted access while performing the kinds of activities mentioned in the policy.*

Q. How do you become licensed as a transportation company?

A. *Please refer to the ASPA General Cargo & Intermodal (GCI) tariff item 203b for information. Applications are available at the GCI office.*

Q. Is there a charge for a transportation service license?

A. *Yes, there is a licensing fee of \$500.00, payable with the application and an annual renewal fee of \$250.00.*

Q. Currently over-the-road drivers, who have a valid Commercial Driver's License and proper cargo documentation, are granted unescorted access to port facilities. Will this change when the TWIC is required?

A. *Yes, drivers who do not have a TWIC will have to be escorted by an individual who holds a TWIC, and has been granted escorting privileges by ASPA, as a side-by-side companion for the duration of their visit.*

Q. Does side-by-side mean in the vehicle or could an escort vehicle be used?

A. *ASPA will allow either method as long as the requirements of “escorting”, as defined in the policy, are met.*

Q. How many vehicles can an escort be responsible for?

A. *Each TWIC escort may only escort one vehicle at any time, whether in the vehicle or in an accompanying escort vehicle.*

Q. The policy states that each TWIC escort can escort a maximum of five individuals at one time. Does that apply if they are in a bus or van?

A. *The one to five escort ratio is applied when escorts are on foot or outside of a vehicle. One TWIC escort may escort the seating capacity of a vehicle, but the escorted individuals must remain in the vehicle at all times. Example – If the seating capacity of a van is 10 people, one TWIC escort can escort 9 people (9 persons + escort = seating capacity). But if the passengers disembark from the vehicle, a second escort would be required to satisfy the 1-5 ratio.*

Q. Will utility company service technicians be required to have a TWIC?

A. *Yes, all persons, except those specified in the policy, must have a TWIC or an escort.*

Q. Will FedEx and UPS drivers have to have a TWIC?

A. *Yes, all persons, except those specified in the policy, must have a TWIC or an escort.*

Q: Are we open to allowing passage to a worker who can demonstrate proof of applying for the credential? That may add some capacity for our needs. It’s not a problem solver but will give some consideration to this quagmire.

A: *Coast Guard regulations do not provide for a “proof of having applied for a TWIC card” exception. You either have a TWIC or you must be escorted.*

Q: The policy states that you will need a TWIC by December 30th to have unescorted access. If you have applied for an escort credential but haven’t received it yet, will you be able to escort on December 30th?

A: *No, December 30th is the implementation date for both the TWIC and the escort credential.*

Q: The Assistant USCG Commandant for Marine Safety, Security and Stewardship recently sent a message to Captains of the Port stating that they “...should encourage, support, and facilitate vigorously any accommodations at regulated facilities, including but not limited to escort provisions, to make shore leave and access to seafarer welfare organizations possible. These accommodations should not impose an undue burden on

the seafarer or seafarer's welfare organization representative seeking access by way of exorbitant fees, extreme limitations in hours of availability, or other unreasonable restriction to the movements of these persons unless exigent, confirmed security concerns dictate such restriction is necessary..." Does the ASPA escort policy comply with this directive?

A: *ASPA is well aware of this Coast Guard message and we believe our policy complies both in spirit and letter. We are making access available through escorting and are not imposing exorbitant fees or restricting hours of access. Seafarer's welfare organizations can obtain escort credentials at no cost and provide escort services to crew members at no cost if they desire. Vessels can also require their agents to provide these same services as a part of their husbanding duties.*

Q: The policy mentions in accordance with 33 CFR 101.514; however, the policy goes beyond that by basically forcing foreign seamen, who cannot obtain and/or are not required to obtain a TWIC, to find a willing approved escort or pay an ASPA employee a minimum of \$40/hour for escorting. Many seamen would simply not go ashore or be able to afford to pay what would amount to an extra \$80 to go shopping (\$40 in and \$40 out). If I understand properly they will also be unable to use the pay phones without an escort and I find it hard to understand how this might increase security as they come in on a foreign vessel and if they have the credentials (landing permit) to go ashore have been vetted by our Federal Government.

A, *The Coast Guard specifically exempted mariners working immediately adjacent to the vessels they are employed aboard while in the conduct of normal operations in support of the vessel (e.g. attach shore ties, perform maintenance, read load lines, load stores, etc.) from the escort requirement. Such mariners will be permitted limited access to the area immediately adjacent to their vessels without escort, but all other shore activities will require an escort and USCG regulations require that TWIC escorts meet training standards established by the Coast Guard. Further, there is no requirement to use an ASPA escort and we simply don't have the manpower to escort everyone who arrives at our gates or docks without a TWIC. As we have stated above, there are available options for seamen who wish to disembark from their vessels.*