

Texas Department of Transportation.txt

Subject: Critical Infrastructure Information - Notice of Proposed DHS Rulemaking
Date: Mon, 16 Jun 2003 17:36:16 -0400
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The Texas Department of Transportation is keenly aware of the need to provide appropriate protection to critical infrastructure information. We applaud the Department of Homeland Security for their work on the proposed rules to deal with procedures for handling such critical infrastructure information. We appreciate the opportunity to comment on these proposed rules. Our comments are given below.

- §29.5(b)(3)(i) - we recommend adding a provision stating that for any information meeting the definition of Critical Infrastructure Information (CII) that has been submitted prior to the adoption of these rules, the submitter can request that the information be designated as CII. As written, the rules require such a request to accompany the submission.

- while the rules will provide protection for information on critical infrastructure that is voluntarily submitted by the states to the federal government, the rules will not protect any bridge inspection database information. The rules state that they do not apply to information that is submitted to a federal agency pursuant to a legal requirement. Since the states are required by law to submit bridge inspection data to the FHWA each year, this data would not be covered. We recommend that the proposed rulemaking be expanded to also cover CII submitted to a federal agency pursuant to a legal requirement.

Please contact Mary Lou Ralls, P.E., Texas State Bridge Engineer at (512) 416-2183, or Tom Rummel, P.E., at (512) 416-2254 to discuss further as needed.

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