

# **Highway and Motor Carrier Sector Coordinating Council Operating Charter**

## **Article I – Official Designation**

The official designation of this organization is the Highway and Motor Carrier Sector Coordinating Council (HMC SCC or Council).

## **Article II – Mission and Purpose**

The HMC SCC serves as the primary private sector policy coordination and planning entity for collaborating with the Department of Transportation (DOT) and the Transportation Security Administration (TSA), Highway and Motor Carrier Government Coordinating Council (HMC GCC), and other government entities in addressing the entire range of critical infrastructure security and resilience activities and sector-specific issues and concerns.

The HMC Sector represents a principal entry point to collaborate with the federal government for critical infrastructure security and resilience activities. Wherever possible, the Council will participate in efforts to establish voluntary practices to ensure that sector perspectives are included in relevant presidential policy directives (PPDs), the *National Infrastructure Protection Plan* (NIPP), sector specific plans (SSPs), security directives issued by TSA, and other policy documents related to critical infrastructure security and resilience.

The primary mission of the HMC SCC is to work in partnership with the TSA and other federal agencies, as appropriate, to reduce the risk of acts of international and domestic terrorism and/or other acts resulting in deliberate physical or cyber related harm to employees, passengers, and/or freight transport systems through the exchange of information, best practices and intelligence and to identify funding, equipment and other resources that enhance the ability to offer the greatest level of planning, procedures, and protective capabilities.

## **Article III – Objectives and Scope of Activity**

The HMC SCC is self-organized, self-run, and self-governed. The Council's objective is to establish and maintain a representational membership and mechanism enabling owners and operators, their trade associations, vendors, and others to interact on a wide range of sector-specific strategies, regulations, policies, activities, and issues related to critical infrastructure security and resilience.

The Council's scope of activity includes:

- Serving as a strategic communication and coordination mechanism between owners, operators, and suppliers, and, as appropriate, with the federal

government during emerging threats or response and recovery operations, as determined by the HMC Sector.

- Collaborating with federal partners to promote continuous improvement of security and resilience efforts within the HMC Sector as national and HMC Sector goals and priorities are identified and addressed.
- Collaborating with federal, state, and local and tribal partners during the planning, review, and/or implementation of efforts related to national-level policies, such as NIPP and SSPs.
- Coordinating with the HMC GCC to produce and share information for situational awareness and to identify, implement, and support appropriate information-sharing capabilities and mechanisms.
- Identifying, developing, and sharing information within and across the Sectors, including both public and private sector members, concerning effective physical and cybersecurity risk detection, best practices, and innovative mitigation methods.
- Coordinating with the HMC GCC to set joint priorities, identify risks, adopt and implement relative guidance, and report on progress made toward implementation.
- Collaborating with the HMC GCC to further develop processes for prioritizing and characterizing risk and incident management requirements within the sector.
- Interact with other Transportation Systems Sector, Sector Coordinating Councils and Government Coordinating Councils to enhance surface transportation security through targeted security programs, policies, procedures and strategies.
- Discuss and recommend best practices and protective security measures for highway and motor carrier operators and owners based on intelligence and current threat levels.

## **Article IV – Membership and Member Representatives**

### ***Membership***

Members of the HMC SCC shall be private entities that are owners and operators of highway and motor carrier assets, motor vehicle shippers, or their representative associations. Consultants, vendors, special interest groups, attorneys and others who do not represent owners and operators of the transportation sector or their representative associations cannot serve as an HMC SCC member. Prospective members shall complete a membership application and submit it to the Chairperson of the HMC SCC. The prospect will become a full member of the HMC SCC upon approval by a majority of the existing members. If the HMC SCC declines to approve the prospective member, the application shall be returned to the prospective member with an explanation of the basis for the actions.

## ***Member Representatives***

HMC SCC member organizations determine its primary representative(s) or points of contact (POCs) to represent the member in the HMC SCC. Approved member representative(s) will be added to the Council's membership rosters and communication lists.

## **Article V – Governance and Officers**

### ***Governance***

The HMC SCC shall function as a consensus-driven body representing the collective interests of owners and operators within the HMC Sector.

A quorum of at least two thirds of the Council membership must be present, either in person or by teleconference, to formally consider Council business. Proxy voting may be accepted by prior written submission to the chairperson, but proxy participation will not be considered for quorum purposes.

### ***Officers***

The HMC SCC is led by an executive committee comprised of elected officers and at-large members. The following officers will be chosen from and elected by a simple majority vote of the Council's membership and will serve a term of five years, to commence following their respective appointments:

- Chairperson
- Vice Chairperson
- Secretary

Upon completion of the chairperson's term, or if the chairperson is unable to fulfill his or her term, the vice chairperson will assume the position of the chairperson for the remaining duration of the original chairperson's term.

The chairperson will appoint at-large members, and upon receiving simple majority consent from the Council, these at-large members will serve a five-year term on the executive committee, commencing on their respective appointment dates.

If a member of the executive committee is unable to fulfill his or her term, the chairperson will appoint a replacement member with the simple majority consent of the Council. Members of the executive committee will serve no more than two consecutive terms, but they are not prohibited from serving multiple terms over the course of their membership with the Council.

It is the responsibility of the chairperson to ensure that secretariat support and management of Council records is provided to the Council.

## **Article VI – Meetings**

The HMC SCC will meet at least quarterly to consider policy issues, exchange intelligence, discuss challenges, and share information as appropriate.

The HMC SCC functions as a consensus-driven body representing the collective interests of the owners and operators of the HMC Sector. To formally consider Council business, a quorum of at least two thirds of the Council membership must be present, either in person or by teleconference. Proxy voting may be accepted by prior written submission to the chairperson, but proxy participation will not be considered for quorum purposes and, on those issues requiring a vote, decisions will be made based on a majority of members present.

## **Article VII – Recordkeeping**

The procedures for the handling, sharing, and storage of Council records and other documentation are as follows:

- Council member documents that are shared within the Council are presumed to be owned by the member. All such documents should be clearly marked prior to distribution by the owner as proprietary materials.
- All Council draft, working, and/or final documents that are provided to or produced by Council members and not intended to be federal records should be stored or distributed by using non-government owned or issued systems or equipment.
- Council documents shared with and/or in the possession of the federal government, including government funded contractors, are subject to the *Freedom of Information Act* and will be properly marked prior to disseminating to government employees.
- Documents shared with and/or in the possession of state, local, tribal, and territorial governments are subject to the possessors' jurisdictional information governance laws and will be properly marked prior to dissemination.

## **Article VIII – Communications**

The HMC SCC may initiate outreach and communication efforts designed to highlight the robust nature of security and emergency preparedness posture at member facilities within the scope of this charter and to educate industry, government, and the public on particular security and preparedness issues.

The HMC SCC relies on the Homeland Security Information Network, Highway and Motor Carrier community of interest (HSIN), pertinent Information Sharing and Analysis Center(s), and the TSA facilitated Surface Industry Sharing Cell (SISC) as the principal operational tools to communicate threat information to the HMC Sector. The Council may develop or choose to rely on additional or alternative communications mechanisms as necessary.

## **Article IX – Working Groups and Special Committees**

The HMC SCC Chairperson or Vice-Chairperson may establish working groups or other committees as necessary. Operating committees of the Council shall be known as “working groups.”

- Working groups may be made up of any combination of Council member representative(s) and subject matter experts (SMEs).
- The chair for each working group will take responsibility for coordinating the group and communicating with the full Council.
- Working groups will develop and send reports and recommendations to the Chairperson or Vice-Chairperson for approval by the full Council. These reports may be written or oral, depending on the nature of the work being reported.
- The Chairperson or Vice Chairperson will inactivate working groups upon completion of tasks or if there is no further need for the working group.
- At the first Council membership meeting in each calendar year, the Chairperson or Vice Chairperson will vote on the extension or termination of each working group and will vote on the extension or replacement of each working group chair.
- The HMC SCC and HMC GCC may form joint working groups. These joint working groups may be conducted under the Critical Infrastructure Partnership Advisory Council (CIPAC) when established in compliance with CIPAC requirements through the CIPAC Designated Federal Officer (DFO) within the CIPAC Executive Secretariat.

## **Article X – CIPAC Membership and Representation**

### ***Council Participation in CIPAC***

In March 2006, as reflected in the CIPAC Charter, the Secretary of Homeland Security established the CIPAC and exempted CIPAC from the requirements of the *Federal Advisory Committee Act*.

CIPAC facilitates interaction between government officials and representatives of the community of owners and/or operators for each critical infrastructure sector defined by PPD-21 and identified in the current NIPP. When participating in CIPAC activities, the Council will comply with all requirements defined in the current CIPAC Charter and guidance issued by the CIPAC DFO within the CIPAC Executive Secretariat.

### ***CIPAC Member and CIPAC Member Representative***

CIPAC membership is defined in the CIPAC Charter. HMC SCC members will automatically be a CIPAC member when the HMC ACC chairperson notifies the CIPAC DFO via CIPAC@hq.dhs.gov.

A CIPAC member may have more than one CIPAC member representative. The member representative's name and contact information will be added to the CIPAC Attendee Roster when the HMC SCC Chairperson notifies the CIPAC DFO via CIPAC@hq.dhs.gov.

The procedures for maintaining a CIPAC member representative list within the Council are as follows:

***Federally Registered Lobbyists***

Member representatives that are federally registered lobbyists may participate in CIPAC activities when in compliance with the current CIPAC Charter.

***Subject Matter Experts***

In addition to members, participants may include subject matter experts (SMEs) with technical or industry-specific expertise. SMEs participate in the HMC SCC in accordance with roles and responsibilities defined in the CIPAC Charter when participating in CIPAC activities.

**Article XI – Amendments**

The HMC SCC may at any time amend this Charter. The amended Charter will be submitted to the CIPAC DFO in a timely manner for posting on the CIPAC public website.

**Article XII – Approval and Duration**

The HMC SCC approved this charter according to Council procedures on the date reflected in the signature block below. The Charter will be in effect for five years from the approval date or until amended or rescinded by the Council.

[Redacted Signature]

Jeffrey T Starr  
Chairperson  
Highway and Motor Carrier  
Sector Coordinating Council  
June 9, 2023