

Supporting Statement

Fund Transfers to Other Agencies and Among Title 23 Programs

Introduction: This is a new information collection entitled “Fund Transfers to Other Agencies and Among Title 23 Programs”.

Part A. Justification.

1. Circumstances that make collection of information necessary:

Sections 1108, 1119(b), 1935, and 1936 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expanded the transferability of funds to other agencies and among programs. This information collection establishes requirements for initiating the transferring of apportioned and allocated funds between entities and between projects and programs to carry out these provisions of law.

This information collection supports the Department of Transportation’s (DOT’s) Organizational Excellence Goal of improving financial, budget and performance integration strategies. This process requires several participants to work together efficiently in order to successfully complete the process. This information collection will allow each party to be involved in the process as well as ensure that the state’s fund transfer requests are accurately executed, and that the requests are allowable by law.

2. How, by whom, and for what purpose is the information used:

The information collected will be used to transfer funds to other agencies and among programs. State departments of transportation will initiate the transfer process by filling out the proper form for the type of transfer request. The corresponding Division Office will then concur with the state’s transfer request and send it to the appropriate Federal Highway Administration (FHWA) Headquarters office. The information on the form will be used to process the fund transfer. The forms will provide a consistent accurate process for which to request and make these transfers, as well as to provide documentation as to what was requested for historical and auditing purposes.

3. Extent of automated information collection:

This collection will be 100 percent electronic. Initially the form will be available on a public website where the user can provide the necessary information, approve it, and electronically submit it through each phase of the process. It is our goal to make the forms available in the Fiscal Information Management System (FMIS), which is a system the states currently use and are familiar with.

4. Describe efforts to identify duplication:

Similar information does not exist. These transfers are initiated by the state when there is a need for a funding transfer.

5. Efforts to minimize the burden on small businesses:

The required information for “Fund Transfers to Other Agencies and Among Title 23 Programs”

will be from the state DOTs only. This collection of information will not impact any small businesses.

6. Impact of less frequent collection of information:

The frequency of this collection depends upon the state's need to transfer funding. This frequency can vary from state to state and from year to year. Each time a fund transfer is requested the forms associated with this information collection must be filled out to ensure accuracy in the fund transfer as well as provide documentation for historical and auditing purposes.

7. Special circumstances:

Six hundred responses provided by 52 respondents would average out to 11 responses per respondent per year. However, because the respondents will initiate this process based on their individual needs, some state's may not transfer funding at all in a given year, and larger State's such as California may submit more than the average.

The end result of this process is an allotment to transfer funding. The information below states the record retention period for allotments and all supporting documentation. This information was taken from the FHWA Records Disposition Schedules for Washington Headquarters at http://wwwcf.fhwa.dot.gov/legsregs/directives/orders/admi-hq_.htm.

ADMI 10 Allotment Files. Consist of Forms FHWA-370, Advance of Funds Available for Obligations, used to document all allotments (obligation availability) of funds and correspondence used for supporting documents. The form shows the initial administrative allotments, initial allotment of construction funds by fiscal year quarters, increase of an allotment of construction funds by periods other than quarterly or annually and an increase of an allotment of funds in one amount for the fiscal year (GRS 7/3).

DISPOSITION: Destroy 6 years and 3 months after the close of the fiscal year involved.

8. Compliance with 5 CFR 1320.8:

The 60-day Federal Register notice was published on October 24, 2006, (71 FR 62346). The comment period closed on December 26, 2006, and one comment was received.

STATE OF ALASKA

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DIVISION OF PROGRAM DEVELOPMENT

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Subject: Comments to Docket FHWA 2006-26126 – New Information Collection

Dear Sir or Madam:

We object to

- Lack of clarity in the request for comments:
 - No clear definition of transfers
 - No template of the proposed form
 - No reason for creating this requirement
- Absence of statutory mandate for information to be collected
- FHWA “approval” of transfers
- Possible scope of the form over all agreements with other states and federal agencies
- FHWA poor funds accounting record

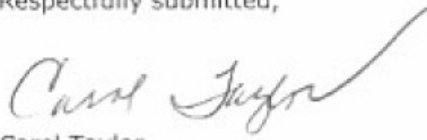
No such form is required by federal statute or regulation. The notice does not clearly define when the form would be necessary, nor is a template of the form provided. Would a form be required for 23USC132 agreements? These are often described as transfers, but the definition of transfers is vague.

FHWA does not have statutory oversight of transfers, except to comply with the program requirements. Again the purpose of the approval is not clear.

FHWA is having difficulties tracking program funds and earmarks in the federal Financial Management Information System (FMIS). How will this form help? Is it a substitute for the electronic system?

While we welcome a standardized way of effecting transfers, we object to additional unwarranted approval processes. We remind FHWA that 23USC145 states: "*The provisions of this chapter provide for a federally **assisted** State program.*" (emphasis added)

Respectfully submitted,



Carol Taylor
Chief of Surface Transportation Plans & Programs

cc: John MacKinnon, Acting Commissioner
Mark O'Brien, Contracts Officer
Jeff Ottesen, Director, Division of Program Development

FHWA's response:

Thank you for your comments to Docket No. FHWA 2006-26126 regarding the new information collection for request forms for fund transfers to other Agencies and among Title 23 Programs.

The purpose of this information collection is to streamline and replace the existing fund transfer process. The required forms will take the place of the letters generated by the State to the FHWA division office, which request funds to be transferred. This will result in a lesser burden to the state. The approval of the transfer remains at the State level, and the FHWA division office will continue to concur with the state's request. The forms will be available via a public website and eventually in the Fiscal Management Information System (FMIS), and can be electronically filled out, approved and submitted. These forms will be required anytime funding is transferred between entities, and between programs or projects. Our office will provide further information regarding the new transfer process and when it will take affect.

9. Payments or gifts to respondents:

Payments or gifts will not be provided to state DOTs for submitting their forms.

10. Assurance of confidentiality:

The information to be collected is not considered to be confidential.

11. Justification for collection of sensitive information:

This information collection will not involve questions of a sensitive nature.

12. Estimate of burden hours for information requested:

Each transfer will require the use of 1 of 2 forms. We anticipate 52 respondents (50 state Transportation Departments, the District of Columbia, and Puerto Rico), approximately 600 responses annually on an as needed frequency, and an average burden per response to be one half hour.

Estimated cost to the respondents is based on an average wage rate of \$25.51 per hour, which would equal a total of \$7,653 annually, or \$3,826.5 annually per form.

Form #1- 300 responses annually at 30 minutes each or 150 annual burden hours.

Form #2- 300 responses annually at 30 minutes each or 150 annual burden hours.

Total 600 responses annually at 30 minutes each or 300 annual burden hours.

Estimated cost to the respondents is based on an average wage rate of \$25.51 per hour,

Form # 1 annually cost of \$3,826.5; Form #2 annually labor cost of \$3826.50, giving us a total labor burden of \$ \$7653.

13. Estimate of total annual costs to respondents:

There will be no capital/start-up or operation/maintenance costs to the respondents.

14. Estimate of cost to the Federal government:

It will take an average to of two and one-half hours to process each transfer request. Estimated cost to the Federal government is based on an average wage rate of \$36.44 per hour, which would equal a total of \$54,660 annually, or \$27,330 annually per form.

15. Explanation of program changes or adjustments:

This is a new collection and we are seeking OMB approval.

16. Publication of results of data collection:

No plans to publish.

17. Approval for not displaying the expiration date of OMB approval:

There is no such request for this information collection.

18. Exceptions to certification statement:

There are no exceptions to the certification statement for this collection.