

## Supporting Statement

Introduction: This is to request OMB renewed three-year approved clearance for the information collection entitled Emergency Relief Funding Applications (OMB Control No. 2125-0525) which is currently due to expire on February 29, 2008.

### Part A. Justification

#### 1. Circumstances that make collection of information necessary:

States are required to submit an application for emergency relief (ER) funds to the Federal Highway Administration (FHWA) to receive Federal-aid highway disaster assistance. The law on the ER program, 23 U.S.C. 125(a) (Attachment A), requires a finding by the Secretary of Transportation that the damage is sufficiently serious to warrant Federal funding for repairs. In order to make this determination, the Secretary relies on the information provided in the State's application for disaster assistance. The authority and responsibility of the Federal Highway Administrator to prescribe policies and procedures for the proper submission of information necessary to allow this determination is established at 23 U.S.C. 315 (Attachment B).

This information collection supports the DOT Strategic Goal of Mobility by providing a mechanism by which States may receive Federal-aid highway funds to maintain accessible and efficient travel.

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

State Transportation Departments (State DOTs) and equivalent highway agencies in the District of Columbia, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, and the Territories of Guam, the Virgin Islands and American Samoa submit ER applications to the FHWA for review and approval. The total number of potential respondents is 56 (50 State DOTs and 6 equivalent highway agencies). Once the application is accepted by FHWA, the State may be reimbursed with Federal funds. Without the information, an ER funding determination cannot be made.

#### 3. Extent of automated information collection:

Electronic transmission is not practical for this information collection due to the need for photographs and maps that accompany the application.

#### 4. Efforts to identify duplication:

This information collection requirement does not duplicate any other requirements.

#### 5. Efforts to minimize the burden on small businesses:

There is no impact on small businesses.

#### 6. Impact of less frequent collection of information:

Each ER application is a one-time submission triggered by an ER-eligible disaster. Once this is approved, further reporting is not required. The FHWA could not approve the payment of ER funds to the State(s) based on a less frequent collection of this information.

7. Special circumstances:

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8:

A Federal Register notice was published on August 17, 2007 (Attachment C), which solicited public comments on the intention of the FHWA to seek renewal of this information collection. No comments were received.

9. Payments or gifts to respondents:

No payments or gifts are provided to the respondents.

10. Assurance of confidentiality:

None of the information is considered confidential as it is all available to the public.

11. Justification for collection of sensitive information:

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

An average of 30 annual ER applications are developed and submitted by the State DOTs described in item 2 above. Development and submittal of the application, including the field report required by 23 CFR 668.111(b) (Attachment D), is a one-time effort. The amount of time required depends on the nature of the event, among other things, and varies widely among applications by the same State as well as among States. On the average, it is estimated to require approximately 190 hours of professional staff time (engineering inspections and background documentation) plus 60 hours of administrative support staff time (typing and editing) for a total of 250 hours per application. The estimated average annual burden for all respondents per year is 7,500 hours (30 annual applications x 250 hours each).

The average respondent's salaries associated with these burden hours are calculated as follows:

Professional staff time:	5,700 hours @ \$35/hour = \$ 199,500
Administrative Support staff time:	1,800 hours @ \$23/hour = \$ 41,400
	Total = \$ 240,900

13. Estimate of total annual costs to respondents:

There is an estimated total cost to all respondents of \$275 to cover printing and miscellaneous office costs.

14. Estimate of cost to the Federal government:

It is estimated that the Federal government expends 60 hours of staff time for joint inspections and the review and approval process per event. The breakdown would be approximately 50 hours of professional staff time at \$35/hour (\$1,750) and 10 hours of administrative support staff time at \$23/hour (\$230) for a total cost per application of \$1,980. With an average of 30 ER applications nationwide per year, the total Federal government cost is estimated to be \$59,400 (30 x \$1,980).

15. Explanation of program changes or adjustments:

There are no program changes for this information collection; however, adjustments have been made in the number of annual applications because disasters are unpredictable and vary from year to year. During the past three years, an average of 30 ER-qualifying events have occurred annually. The burden for ER application development and submission time estimates has been increased from 200 hours per application to 250 hours per application due to the increased intensity of disasters over the past three years. Associated salary costs have been adjusted for inflation.

16. Publication of results of data collection:

None of the information collected is to be published.

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

No such approval is being requested.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods

Not applicable.

ATTACHMENTS

- A. 23 U.S.C. 125(a)
- B. 23 U.S.C. 315
- C. Federal Register Notice
- D. 23 C.F.R. 668.111(b)

**Attachment A - 23 U.S.C. 125(a)**

Sec. 125(a). Emergency relief

(a) General Eligibility.--Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of --

- (1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or
- (2) catastrophic failure from any external cause.

**Attachment B - 23 U.S.C. 315**

Sec. 315. Rules, regulations, and recommendations

Except as provided in sections 204(f) and 205(a) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State transportation departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the Presidential disaster declaration for the State of Texas, dated 06/29/2007 is hereby amended to include the following areas as adversely affected by the disaster:

**Primary Counties:**

Guadalupe, Henderson, Nueces, Van Zandt, Walter, and Zavala.

**Contiguous Counties:**

Texas: Aransas, Comal, Freestone, Gonzales, Grimes, Hunt, Jim Wells, Kaufman, Kinney, Kleberg, Madison, Montgomery, Navarro, Rains, San Jacinto, Trinity, and Wilson.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger E. Garland,  
*Acting Associate Administrator for Disaster Assistance.*

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**BILLING CODE** 8025-01-P

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

[Docket No. FHWA-2007-28992]

**Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of request for extension of currently approved information collection.

**SUMMARY:** The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the Federal Register by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by October 16, 2007.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FHWA-2007-28992 by any of the following methods:

**Web Site:** <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

**Fax:** 1-202-493-2251.

**Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**Hand Delivery:** U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Greg Wolf, 202-366-4655, Office of Program Administration, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**  
**Title:** Emergency Relief Funding Applications.

**OMB Control #:** 2125-0525.

**Background:** Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of natural disasters or catastrophic failures from an external cause. This program, commonly referred to as the Emergency Relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions. The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, and landslides. Applicability of the ER program to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in

unusually high expenses to the highway agency. A bridge suddenly collapsing after being struck by a barge is an example of a catastrophic failure from an external cause. The ER program provides for repair and restoration of highway facilities to pre-disaster conditions. Restoration in kind is therefore the predominate type of repair expected to be accomplished with ER funds. Generally, all elements of the damaged highway within its cross section are eligible for ER funds. Roadway items that are eligible may include: Pavement, shoulders, slopes and embankments, guardrail, signs and traffic control devices, bridges, culverts, bike and pedestrian paths, fencing, and retaining walls. Other eligible items may include: Engineering and right-of-way costs, debris removal, transportation system management strategies, administrative expenses, and equipment rental expenses. This information collection is needed for the FHWA to fulfill its statutory obligations regarding funding determinations for ER eligible damages following a disaster. The regulations covering the FHWA ER program are contained in 23 CFR Part 668.

**Respondents:** 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and the Virgin Islands.

**Estimated Average Annual Burden:** The respondents submit an estimated total of 30 applications each year. Each application requires an estimated average of 250 hours to complete.

**Estimated Total Annual Burden Hours:** Total estimated average annual burden is 7,500 hours.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.46.

**Attachment D - 23 C.F.R. 668.111(b)**

Sec. 668.111(b) Application procedures.

(b) Damage survey. As soon as practical after occurrence, the State will make a preliminary field survey, working cooperatively with the FHWA Division Administrator and other governmental agencies with jurisdiction over eligible highways. The preliminary field survey should be coordinated with the Federal Emergency Management Agency work, if applicable, to eliminate duplication of effort. The purpose of this survey is to determine the general nature and extent of damage to eligible highways.

(1) A damage survey summary report is to be prepared by the State. The purpose of the damage survey summary report is to provide a factual basis for the FHWA Division Administrator's finding that serious damage to Federal-aid highways has been caused by a natural disaster over a wide area or a catastrophe. The damage survey summary report should include by political subdivision or other generally recognized administrative or geographic boundaries, a description of the types and extent of damage to highways and a preliminary estimate of cost of restoration or reconstruction for damaged Federal-aid highways in each jurisdiction. Pictures showing the kinds and extent of damage and sketch maps detailing the damaged areas should be included, as appropriate, in the damage survey summary report.

(2) Unless very unusual circumstances prevail, the damage survey summary report should be prepared within 6 weeks following the applicant's notification.

(3) For large disasters where extensive damage to Federal-aid highways is readily evident, the FHWA Division Administrator may approve an application under Sec. 668.111(d) prior to submission of the damage survey summary report. In these cases, an abbreviated damage survey summary report, summarizing eligible repair costs by jurisdiction, is to be prepared and submitted to the FHWA Division Administrator after the damage inspections have been completed.