

The Supporting Statement

Introduction:

National Scenic Byways Program, this is a notice of request for a change to and extension of currently approved Information Collection.

Part A. Justification.

1. Circumstances that make collection of information necessary:

Background: Title 23, Section 162 of the United States Code describes the creation of the National Scenic Byways Program. This legislation was most recently amended in 2005 upon passage of the P.L. 109-59 Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). The legislation requires the U.S. Secretary of Transportation to carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities. Designations as National Scenic Byways, All American Roads, or America’s Byways are made periodically based on voluntary nomination by States, Indian tribes, or Federal land management agencies. The legislation also includes provisions for review and dissemination of grant monies by the U.S. Secretary of Transportation. Grant applications are solicited on an annual basis. Eligible projects are on State designated byways, National Scenic Byways and All-American Roads, or Indian tribe scenic byways. Applications are completed by Federal, State, or local governmental agencies; Tribal governments; and non-profit organizations.

The grant application information will be collected electronically via the online Grant system on www.grants.gov and used to determine project eligibility. Implementation of www.grants.gov is a result of P.L. 106-107 Federal Financial Assistance Management Improvement Act of 1999.

The nomination application information will be collected electronically via the online nominations system on www.bywaysonline.org.

This information collection supports the DOT Environment Strategic Goal by recognizing outstanding roads and providing funding to protect and enhance the natural environment and communities affected by highway transportation. The National Scenic Byways Program takes this strategic goal a step further by also providing funding to market and interpret the resources located along scenic byways in effort to preserve these special places while also providing some economic benefit to the communities located along the scenic byways.

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

The grant application information collected by FHWA and DOT is used to determine if the proposed project is eligible for National Scenic Byways Program grant funds. The

Secretary of Transportation makes the final decision as to which projects to fund – this popular program traditionally receives requests for two to three times the amount of funding available.

Grant application information collected indicates the project location including Congressional district, describes the scope of work, provides a detailed project budget including the source of matching funds, indicates who is responsible for ensuring the work is completed, and describes project benefits.

The grant application information collected is also used to notify Congress as to the selected projects. Upon award of the project, the information is used by the State, Indian tribe, or Federal land management agency administering the project, to develop the project agreement and ensure that the project is delivered as agreed upon.

The nomination application information collected by FHWA and DOT is used to determine whether a designated State or Indian tribe scenic byway should be designated as one of America's Byways by the Secretary of Transportation.

Nomination application information collected indicates where the nominated byway is located, the length of the byway, the stories and intrinsic qualities associated with the byway, the byway's corridor management plan, as well as marketing collateral (i.e., photos, maps and brochures from the byways).

3. Extent of automated information collection:

The grant application package will be entirely electronic via grants.gov.

The form package will be available on www.grants.gov. Applicants have the opportunity to download the grant application package and fill it out offline. FHWA staff reviews Grant applications electronically. Notifications to Congress are also made electronically.

The nomination application system is entirely electronic and available via www.bywaysonline.org.

4. Efforts to identify duplication:

There is no duplication or existing source for the information to be collected.

5. Efforts to minimize the burden on small businesses:

N/A

6. Impact of less frequent collection of information:

The National Scenic Byways Program receives an annual appropriation of funds, thus the FHWA makes an annual call for projects. Nominations are only solicited periodically

based on interest from States, Indian tribes, and Federal land management agencies. Previous designations occurred in 1996, 2000, 2002, and 2005.

7. Special circumstances:

N/A

8. Compliance with 5 CFR 1320.8:

Notice in the Federal Register was published on October 23, 2007, (Volume 72, No.204 on pg. 60053-4). There was 1 comment submitted.

“Response to Request for Comments

The National Scenic Byways Program is an important program for identifying, preserving, enhancing and promoting our critical scenic, historic, cultural, natural, recreational and archeological resources and the roadways that lead to them. It has provided the vision and leadership that has enabled many state and local entities to develop tell their stories. As former Secretary of Transportation Rodney Slater stated: “Transportation is about more than asphalt, concrete and steel. It’s about people and connections.”

The National Scenic Byways Grants Program has been of vital importance to the state and local byway constituents. Since its inception under the Intermodal Surface Transportation Efficiency Act of 1991, the program has evolved an electronic grant application process that enables the applicants to complete the process expeditiously. It works well. We are familiar with it. It directly relates to byway types of activities and the goals of the national program.

It is my understanding that the byway grant process is to migrate into the grants.gov domain. We would very much appreciate it if the existing byway grants electronic application were used within the grants.gov domain so that we do not need to spend our limited time learning another new program process.

Thank you for allowing this opportunity to comment on this matter. If you need clarification or would like additional information, please do not hesitate to contact me”.

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9. Payments or gifts to respondents:

N/A funding is provided only to projects selected by the U.S. Secretary of Transportation.

10. Assurance of confidentiality:

The privacy policies of grants.gov, www.ccr.gov, and www.bywaysonline.org protect the rights of individual users under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act', and other laws relevant to the protection of the privacy of an individual). All information is gathered, stored, and used in accordance with the above-mentioned Privacy Act.

For specific information regarding the privacy policies, please visit:

http://grants.gov/aboutgrants/privacy_policy.jsp,
<http://www.ccr.gov/doc/PrivacyNotice.pdf> , and
<http://www.bywaysonline.org/about/privacy.html>.

11. Justification for collection of sensitive information:

N/A

12. Estimate of burden hours for information requested:

Grants Application Respondents: In a typical grants cycle, it is estimated that 400 applications will be received. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico (Right-of-Way Department), Federal Land Management Agencies, State and local governments, non-profit agencies, and Tribal Governments. There will be total of 60 Respondents.

Frequency: Annual.

Estimated Average Burden per Response: 16 hours.

Burden Hours: 16hrs x 400 applications = 6400

\$20/hr (with overhead cost) x 16 hours = \$320 for each application

\$320 x 400 applications = \$128,000 in total.

Nominations Respondents: Based on previous nomination cycles, it is estimated that a total of 75 nominations will be received, originating from any local government, including Indian tribal governments, or any private group or individual. Nominations

may also originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs.

Frequency: Every 2 to 3 years.

Estimated Average Burden per Response: 200 hours.

Burden Hours: 200hrs x 75 nominations = 15000

\$20/hr (with overhead cost) x 200 hours = \$4000 for each application

\$4000 x 75 applications = \$300,000

Total (applications and nominations)

21400 burden hours

475 Respondents

13. Estimate of total annual costs to respondents:

There is no cost beyond the labor cost outlined in question # 12 for the respondents.

14. Estimate of cost to the Federal government:

\$42.77/hr (Grade 13 Step 1, with 1/3 overhead costs) x 4 hours of review = \$171.08 for each application review at FHWA Division level.

\$50.72/hr (Grade 13 Step 1, with 1/3 overhead costs) x 8 hours of review = \$405.76 for each application at the FHWA HQ level.

$\$171.08 + 405.76 = \$576.84 \times 475 = \$273,999$ in total labor.

15. Explanation of program changes or adjustments:

The total number of burden hours for this collection has changed. The grants applications forms were decreased to include only those forms that were created specifically for FHWA and not to include the forms managed by www.grants.gov. Also, the nominations cycle burden hours have been added.

16. Publication of results of data collection:

There will be a press release published.

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

N/A

18. Exceptions to certification statement:

N/A