

## SUPPORTING JUSTIFICATION

### **Solicitation of Applications and Notice of Funds Availability for High-Speed Rail Corridors and Intercity Passenger Rail Service- Capital Assistance and Planning Grants Program**

- 1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION. ATTACH A COPY OF THE APPROPRIATE SECTION OF EACH STATUTE AND REGULATION MANDATING OR AUTHORIZING THE COLLECTION OF INFORMATION.**

After 60 years and more than 1.8 trillion investment dollars, the United States has developed world's most advanced highway and aviation systems. During this same period of time, the nation has made a relatively modest investment in passenger rail systems. As congestion on highways and in the air continues to grow and environmental costs mount, there is a growing need for diverse transportation options.

In 2009, President Obama announced a new vision to address the nation's transportation challenges. He called for a collaborative effort among the Federal government, States, railroads, and other stakeholders to help transform America's transportation system. The President's vision seeks to create an efficient high-speed passenger rail system to connect inner-city communities across America.

Developing a comprehensive high-speed intercity passenger rail network will require a long-term commitment at both the Federal and State levels. The President will jump-start the process with an \$8 billion down payment provided by the American Recovery and Reinvestment Act ("ARRA"), \$90 million provided by the Omnibus Appropriations Act of 2009 ("FY09 Omnibus") and approximately \$1.8 million remaining funds from the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 ("FY08 Appropriations"). The Federal Railroad Administration ("FRA") will administer these funds to applicants with plans or programs that align with the President's key strategic transportation goals: creating safe and efficient transportation choices, building a foundation for economic competitiveness, promoting energy efficiency and environmental quality, and supporting interconnected livable communities. Grants will be awarded along following four funding tracts.

- Track 1 – Intercity Passenger Rail Projects funded under ARRA. Aimed at "ready-to-go" projects that can be completed within two years of grant agreement. Projects must make improvements to existing intercity passenger rail services and have independent utility, with an emphasis on economic recovery goals.
- Track 2 – Corridor Service Development Programs funded under ARRA. Aimed at new high-speed rail corridor services or substantial upgrades to existing corridor services. It is

intended to fund a set of inter-related projects that constitute a phase (or geographic section) of a long-range corridor plan – projects will collectively yield benefits greater than the sum of each individual project.

- Track 3 – Corridor Service Planning funded under FY 2009 Omnibus and FY’08 Appropriations. Aimed at helping establish a pipeline of future corridor service development projects and programs by advancing corridor planning activities for applicants at an earlier stage of the development process. Requires a 50% non-federal match.
- Track 4 – Annual Appropriations Funded Projects. Projects matched at 50%, funded under FY 2009 Omnibus and FY’08 Appropriations. Similar to Track 1 projects, but for those applicants offering at least a 50% match, Track 4 provides a bonus score under the risk management criteria.

As President Obama outlined in his March 20, 2009 memorandum, “Ensuring Responsible Spending of Recovery Act Funds,” implementing agencies are to “develop transparent, merit-based selection criteria that will guide their available discretion in committing, obligating, or expending funds under the Recovery Act.” In order to achieve this goal, FRA is committed to creating an application process that contains clear selection criteria and evaluation procedures.

In essence, the application process is grounded on three key principles: (1) promoting collaboration and shared responsibility among the Federal Government and States, groups of States within corridor regions, and governments, railroads and other private entities; (2) managing, rather than eliminating, risk through program management structure, controls and procedures that permit prudent but effective investments; and (3) ensuring early success while building a sustainable program to meet near-term economic recovery goals while developing public consensus for a long-term program. FRA will issue a guidance document on June 17, 2009, that seeks to clearly explain the application process.

In order to determine eligibility for the ARRA and FY’ 09 Omnibus funds, FRA must solicit applications and collect information from parties interested in obtaining and utilizing these funds for eligible projects.

**2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.**

The proposed collection of information is new and will be used solely by Federal Railroad Administration (FRA) staff to review grant applications to determine whether they fulfill the requirements and criteria established by statute and agency guidelines.

The proposed collection of information – applications and other necessary documentation – will be used to ensure that grants are awarded to those applicants whose proposed project(s) are most consistent with the eligibility requirements, prioritizing criteria, and goals and purposes

established in ARRA, PRIIA and the FY 09 Omnibus, and FY'08 Appropriations Acts.

**3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.**

FRA strongly encourages the use of advanced information technology, wherever possible, to reduce the burden on respondents. FRA has championed the use of advanced information technology, particularly electronic recordkeeping, for many years now. In compliance with both the requirements of the PRA and the Government Paperwork Elimination Act (GPEA), FRA provides for electronic submission of application information under the High-Speed Rail Corridors and Intercity Passenger Rail Service - Capital Assistance and Planning Grants Program. In fact, all grant applications submitted under this program by State Departments of Transportation must be submitted to FRA through the Internet at <http://www.grantssolutions.gov>. Only documents which are impractical to submit electronically, such as oversized engineering drawings, will be permitted to be transmitted to FRA in paper format.

As this is a new program, FRA will draw on the best practices and lessons learned from other discretionary grant programs.

**4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSES DESCRIBED IN ITEM 2 ABOVE.**

Again, the proposed collection of information is new. The applications will generally be project specific, and the information is not available elsewhere.

To reduce duplication, relevant materials previously provided to FRA may be referenced and described as unchanged. To the extent referenced, this information need not be resubmitted for this grant application.

**5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF OMB FORM 83-1), DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.**

Participation is completely voluntary. Eligibility to participate is limited to States and, in certain prescribed circumstances, Amtrak. High speed rail and intercity passenger rail services are large, technically complex, specialized, and very costly investments. Implementation of any conceivable high speed rail system would, at a minimum, cost hundreds of millions of dollars, exceeding the small business size standards. Small businesses are not expected to participate.

Likewise, small governmental entities are also ineligible to participate and would be unable to implement a high speed rail and intercity passenger rail systems. Thus, there is expected to be no impact on small entities from this proposed collection of information.

**6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.**

Without the proposed collection of information, FRA would be unable to determine eligibility for the High-Speed Rail Corridors and Intercity Passenger Rail Service - Capital Assistance and Planning Grants Program. Without the proposed collection of information, FRA would be unable disperse the \$8 billion ARRA funds, as Congress detailed specific eligibility requirements for recipients of ARRA funds. Further, ARRA details specific reporting requirements that a grantee must follow to ensure the funds are used appropriately. Hence, without this proposed collection of information, FRA would be unable to ensure that all requirements for the Program are met.

In sum, the proposed collection of information enables FRA to fulfill ARRA requirements, contributes to the economic development of States and the District of Columbia, and promotes and enhances safe rail transportation throughout the United States. In this, it furthers FRA's goals and objectives, its core agency mission, and DOT Strategic Goals.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER CONSISTENT WITH 5 CFR 1320.6:**

The solicitation for applications will not require respondents to report information more often than quarterly.

It should be noted that funding provided in program tracks that require PRIIA and ARRA compliance will require recipients to adhere to all reporting requirements set forth in PRIIA and ARRA.

All information collection requirements are in compliance with this section.

**8. DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORDKEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.**

Because this is a new program, no prior **Federal Register** notices have been published. FRA

expects to publish a **Federal Register** notice soliciting comments on the information collection simultaneously with the publication of the solicitation for the the High-Speed Rail Corridors and Intercity Passenger Rail Service- Capital Assistance and Planning Grants Program.

**9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.**

FRA will not provide any payment or gift to respondents, including remuneration of contractors or grantees.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED RESPONDENTS.**

The solicitation requests that applicants use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information that the applicant considers to be a trade secret or confidential commercial or financial information, the solicitation directs the applicant to do the following: (1) Note on the front cover that the submission “Contains Confidential Business Information (CBI);” (2) Mark each affected page “CBI;” and (3) Highlight or otherwise denote the CBI portions. The solicitation states that the Department protects such information from disclosure to the extent allowed under applicable law, and notes that in the event the Department receives a Freedom of Information Act (FOIA) request for the information, the Department will follow the procedures described in its FOIA regulations at 49 CFR § 7.17. The solicitation notes that only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

**11. ADDITIONAL JUSTIFICATION FOR QUESTIONS OF A SENSITIVE NATURE.**

The solicitation does not request any sensitive or private information.

**12. ESTIMATE OF THE HOUR BURDEN OF THE COLLECTION AND ANNUALIZED COST TO RESPONDENTS.**

Please note that this is a new program with criteria and requirements that are unlike those of existing Department programs, so FRA does not have any directly relevant prior experience on which to base these estimates. Nevertheless, FRA has worked with many States on rail plans and programs and, with this background information, FRA estimates that it will receive approximately the following breakdown of applications:

Track 1: 75  
Track 2: 20  
Track 3: 20  
Track 4: 20

In addition, because the majority of the projects that are likely to be submitted for this ARRA-related funding (Track 1 and Track 2) are expected to be fairly well developed, FRA expects that it will not generally take applicants more than 100 man-hours for Track 1 and 200 man-hours for Track 2 to assemble individual applications. Thus, the total annual hour burden for Track 1 and Track 2 is 11,500 hours.

Applications for annual appropriations funding (Track 3 and Track 4) are expected to take approximately 50 man-hours per individual application. Thus, the total annual hour burden for Track 3 and Track 4 is 2,000 hours. For this one-time collection of information, the Grand Total of burden hours is 13,500 hours (11,500 + 2,000).

### Track 1

Respondent Universe:

States/Amtrak

Burden time per response:

100  
hours

Frequency of Response:

One-time

Annual number of Responses: 75 applications

Annual Burden: 7,500 hours

**Calculation:** 75 applications x 100 hrs. = 7,500 hours

### Track 2

Respondent Universe:

States/Amtrak

Burden time per response:

200  
hours

Frequency of Response: One-time

Annual number of Responses: 20 applications  
Annual Burden: 4,000 hours

**Calculation:** 20 applications x 200 hrs. = 4,000 hours

Total annual burden for the Track 1 and Track 2 is 11,500 hours.

### Track 3

Respondent Universe:

States/Amtrak

Burden time per response:

50  
hours

Frequency of Response: One-time

Annual number of Responses: 20 applications  
Annual Burden: 1,000 hours

**Calculation:** 20 applications x 50 hrs. = 1,000 hours

### Track 4

Respondent Universe:

Burden time per response:

50  
hours

Frequency of Response:

One-time

Annual number of Responses: 20 applications

Annual Burden: 1,000 hours

**Calculation:** 20 applications x 50 hrs. = 1,000 hours

Total annual burden for the Track 3 and Track 4 is 2,000 hours

**GRAND TOTAL**

13,500 hours

### **13. ESTIMATE OF TOTAL ANNUAL COST BURDEN TO RESPONDENTS.**

Please note that FRA expects the number and complexity of applications submitted to vary considerably and that there will be a wide variance in the level of effort required by each applicant.

As stated above, the estimated total annual hour burden on respondents of this one-time collection of applications is 13,500 hours.

Although various personnel are involved in the development of an application, FRA estimates that the average cost for the services of these personnel is approximately \$33 per hour. Consequently, the total annual cost burden to respondents is estimated to be **\$445,500**.

### **14. ESTIMATE OF THE ANNUALIZED COST TO THE FEDERAL GOVERNMENT.**

The estimated cost to the Federal government of this request for applications is **\$906,338**. This cost reflects the need to establish an evaluation team to review each of the applications and make recommendations about which projects to fund. FRA estimates that the evaluation team will include the following amount of people from various agencies in the Department:



- Track 1: 7 people
- Track 2: 10 people
- Track 3: 5 people
- Track 4: 7 people

In aggregate, 29 FRA staff members will comprise the evaluations teams. The evaluation process is estimated to take one person working full time approximately three months. If 135 grants applications are received, the equivalent of seven and one quarter job years will be needed to evaluate them. The estimated pay for the evaluation team members is approximately \$125,000 per year, so the estimated annualized cost to the Federal government for the evaluation team is **\$906,250** (7.25 yrs. x \$125,000).

FRA does not expect to need any special equipment or support, other than printing. As noted above in item 12, FRA expects 135 applications. If each application is 25 pages, as requested in the solicitation, FRA may need to print as many as 875 pages for each of the 10 members of the evaluation team, which adds up to a total of 8,750 pages of printing.

It is likely that some of the members of the evaluation team will review electronic versions of the applications, but for the purpose of this estimate, FRA assumes that all members will review hard copies of all applications. FRA's printing costs are estimated at approximately one (1) cent per page, which adds up to a total printing cost of \$87.50.

**TOTAL COST** \$906,338 (906,250 + 87.50) (rounded off)

**15. EXPLAIN REASONS FOR CHANGES IN BURDEN.**

This is a new program, and thus a completely new collection of information. There are no program changes or adjustments to account for at this time.

**16. PLANS FOR TABULATION AND PUBLICATION.**

There are no plans for publication of applications and other documentation comprising this collection of information. The information collected will be used exclusively for purposes of determining eligibility for the High-Speed Rail Corridors and Intercity Passenger Rail Service-Capital Assistance and Planning Grants Program and awarding program funds.

**17. IF SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL, EXPLAIN THE REASONS.**

Once OMB approval is received, FRA will publish the approval number for these information collection requirements in the Federal Register.

FRA is not seeking approval to not display the expiration date for OMB approval of the proposed information collection.

**18. EXPLAIN ANY EXCEPTIONS TO THE CERTIFICATION STATEMENT**

No exceptions are taken at this time.

**19. IDENTIFIED IN ITEM 19 OF OMB FORM 83-I.**

FRA does not request any exceptions to the certification statement.