

SUPPORTING STATEMENT

America's Marine Highway Program

INTRODUCTION: This is a request to obtain Office of Management and Budget's (OMB) three year approval for the information collection entitled, America's Marine Highway Program OMB Control No. 2133-NEW.

Justification

- 1. Explain the circumstances that make the collections 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.**

Public Law 110-140, The Energy Independence and Security Act of 2007, required the Secretary of Transportation to establish a Marine Highway Program (Program). An interim final rule was published on October 9, 2008, establishing the Program, under which the Secretary would designate marine highway corridors and identify and support short sea transportation projects to expand domestic water transportation services as an alternative means of moving containerized and wheeled freight cargoes; mitigate the economic, environmental and energy costs of landside congestion; integrate the marine highway into the national planning process; and research improvements in efficiencies and environmental sustainability. The Final Rule was published on April 9, 2010, and 46 CFR Part 393 addresses Marine Highway Corridors, continues to solicit recommendations for Marine Highway Corridor recommendations, and establishes eligible requirements, criteria, and information necessary to apply for designation as a Marine Highway Project by the Secretary of Transportation. The collection of this information supports the Department of Transportation (DOT) Strategic Goal of Safety, Mobility, Economic Growth, and the Natural Environment.

- 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 information will be collected electronically and manually, and used by the Maritime Administration to evaluate and review applications being submitted for project designation. The review will assess factors such as project scope, impact, public benefit, environmental effect, offsetting costs, cost to the government (if any), the likelihood of long-term self-supporting operations, and its relationship with Marine Highway Corridors once designated. Upon completion of the technical review, applications will be forwarded to an inter-agency

review team to review each application received during the solicitation period. The evaluation team will be headed by the Office of the Secretary and include members of the Maritime Administration and other Department of Transportation Operating Administrations. The inter-agency team will evaluate applications using criteria that establish the degree to which a proposed project can reduce external cost and provide public benefit; offer a lower-cost alternative to increasing capacity in the Corridor; and demonstrate the likelihood the service associated with the project will become self-supporting in a specified and reasonable time frame. Projects deemed “highly recommended” and “recommended” will be placed on a preliminary list of projects for designation. The Secretary will make final decisions in a manner that provides a balance between geographic regions and business models (i.e. among freight and passenger, expansion and new service, and existing vessel/terminal and new construction) to the degree this can be achieved. Prospective project sponsors will be notified as to the status of their application in writing once a determination has been made.

- 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. Also, describe any consideration of using information technology to reduce burden.**

Electronic submission of applications and supporting data will be encouraged by MARAD.

- 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.**

There is no duplication, as this is a new program.

- 5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

While the agency does not know how many applications will be submitted, it is possible that the applicant pool will contain small businesses (e.g., having fewer than 500 employees, per Small Business Administration size standards found in 13 CFR Part 121). However, the voluntary nature of the application and the scale of the hour and financial burdens mean that small businesses impacts should be very modest.

- 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 the burden.**

MARAD would be unable to accept and act upon applications for projects under the America’s Marine Highway Program. This could affect the use of FY 2010 funding that will expire at the end of the fiscal year.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that require the collection of information to be conducted in a manner described above.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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 record-keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MARAD published a Final Rule in the Federal Register on April 9, 2010.

9 Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not Applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Department of Transportation will keep business information confidential if marked accordingly. America's Marine Highway Program's Final Rule states that business information will be kept confidential, in accordance with 46 CFR Part 393.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

MARAD is not seeking authority to collect any sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

Respondents: It is estimated that about 20 applications will be received as application is voluntary. Burden Estimate: This estimate assumes 20 actual applications, in which case the number of burden hours involved would 200 hours assuming 10 hours per application. These are essentially one-time costs.

13. Estimate of total annual costs to respondents

Nothing beyond what is stated in Item 12 above.

14. Estimate of cost to the federal government

<u>Number of Employees</u>	<u>Hourly Wage</u>	<u>Project Time</u>	<u>Cost Per Application</u>
1	\$50.00	10	\$500
Overhead at 30%			\$150.00
Subtotal			\$ 650.00
Times 20 responses per year			\$13,000.00

Maximum Total Annual Costs to the Federal Government: \$13,000.00

15. Explanation of program changes or adjustments

This is new data collection.

16. Publication of results of data collection

MARAD will publish a list of projects designated under the America’s Marine Highway Program in the Federal Register.

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

MARAD is not seeking such an approval.

18. Exceptions to certification statement

N/A