

**Department of Transportation
Federal Highway Administration
Office of Project Development and Environmental Review**

**SUPPORTING STATEMENT
Proposal for SAFETEA-LU Section 6009 Phase 2 Implementation Study Survey**

INTRODUCTION

This supporting statement is to request the Office of Management and Budget’s (OMB) grant approval for a new, one-time information collection survey entitled “SAFETEA-LU Section 6009 Phase 2 Implementation Study Survey.”

The U.S. Department of Transportation (U.S. DOT) initiated the proposed survey following a Congressional mandate in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to study and submit a Report to Congress on the implementation of SAFETEA-LU Section 6009 and its amendments. The survey results will allow U.S. DOT to fulfill the implementation study requirement.

Part A. Justification

1. Circumstances that make collection of information necessary:

Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended existing Section 4(f) legislation to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). SAFETEA-LU also required the U.S. DOT to promulgate regulations to clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives that avoid uses of Section 4(f) properties.

As mandated in the legislation, U.S. DOT conducted the first study on the implementation of new Section 4(f) provisions and its amendments (herein referred to as Phase I). During development of the Phase I study, U.S. DOT determined that sufficient information would not be available during Phase I to adequately evaluate the implications of the new prudent and feasible standards. Based on this fact, along with recommendations provided by the Transportation Research Board (TRB) on strengthening the Phase I findings, U.S. DOT is requesting approval to sponsor a one-time survey on implementation of Section 6009 and its amendments for the second study. The U.S. DOT and John A. Volpe National Transportation Systems Center (Volpe Center) have designed the survey and are submitting the survey plan and its associated information collection burden to OMB for approval.

The information collection supports the U.S. DOT’s Environmental Stewardship Strategic Goal. U.S. DOT will be better able to evaluate how SAFETEA-LU Section 6009 may improve environmental decision-making and expedite environmental reviews of transportation infrastructure projects.

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

The survey will solicit information on the following:

1. The post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects where a Section 4(f) *de minimis* impact finding or Section 4(f) finding under the revised Section 4(f) regulations was made; and
2. The processes developed to address the Section 4(f) *de minimis* impacts and revise the feasible and prudent standards and the efficiencies that may result.

U.S. DOT will use the results to evaluate and summarize the effectiveness and any resulting efficiencies of SAFETEA-LU Section 6009 and its amendments. The results will then be provided in a Report to Congress and some of its committees and Federal agencies, as well as be made available to the public, as required by law. The information may provide insight into ways that Section 4(f) implementation could be improved.

3. Extent of automated information collection:

The proposed survey will be a web-based survey located on the Survey Monkey website (<http://www.surveymonkey.com>). Staff members at state and local transportation agencies and transportation authorities, State Historic Preservation Offices (SHPOs), Federal, state and local agencies with jurisdiction over park, recreation areas, or wildlife and waterfowl refuges, and citizen/advocacy groups that the DOT contacts identify will be asked to complete the survey. By their nature, these organizations are generally either large in size and/or will have Internet access. The study team will provide a hard copy of the survey and its instructions to potential respondents that do not have Internet access or prefer not to file the survey electronically.

U.S. DOT believes that given the geographic distribution of the targeted population, its familiarity with the Internet, as well as the expected response rate, a web-based survey offers an efficient way to collect the requested data. Once completed, U.S. DOT will gather the information in a spreadsheet format for additional analysis.

The Volpe Center will deliver a web-link to the online survey, along with a hardcopy, to each of the specific potential respondents to ensure that all potential respondents are reached. Federal transportation staff provided e-mail address and contact information for the transportation agency and authority personnel portion of this group during a preliminary survey. E-mail address and contact information for specific SHPOs, officials with jurisdiction over park, recreation areas, or wildlife and waterfowl refuges, and citizen/advocacy group contacts will be requested from transportation agency and authority respondents. Respondents will be able to print an electronic version of the survey directly from the e-mail received and mail a hard copy to the Volpe Center or complete the survey on the Survey Monkey website.

4. Efforts to identify duplication:

The government has not requested similar information.

5. Efforts to minimize the burden on small businesses:

Not applicable; small businesses will not be asked to complete the survey. Any potential respondent, however, can choose to ignore the survey request if it determines that the survey will cause an unacceptable burden.

6. Impact of less frequent collection of information:

This information request is a one-time collection. A less frequent collection would prevent U.S. DOT from being able to update its Phase I evaluation of the effectiveness and any resulting efficiencies of SAFETEA-LU Section 6009 and its amendments that Congress has required.

7. Special circumstances affecting conduct of information collection activity:

Not applicable; there are no known special circumstances.

8. Efforts to consult with persons outside the agency to obtain their views:

The 60-day Federal Register (FR) notice was published on June 2, 2010 in FR volume 75, number 105.

The 30-day Federal Register notice was published on August 20, 2010 in FR volume 75 page# 51328

No comments were received.

9. Explanation of decision to provide any payment or gift to respondents:

Not applicable; no payments or gifts will be provided.

10. Assurance of confidentiality provided to respondents:

Not applicable; this survey will not provide explicit confidentiality assurances.

11. Justification for collection of sensitive information:

Not applicable; no questions of a sensitive nature will be included in the survey.

12. Estimate of burden hours for information requested:

The survey will be made available on a Survey Monkey (<http://www.surveymonkey.com>) web page. U.S. DOT estimates 30 state DOTs, 10 transit agencies, and 5 rail agencies will complete the one-time survey. It is estimated that 25 State Historic Preservation Officers, 25 officials with jurisdiction over park and recreation areas, and wildlife and waterfowl refuges, and 25 citizen/advocacy groups will complete the survey. This response rate is based on the following assumptions:

- Potential state and local transportation agency respondents, as well as potential SHPOs, officials with jurisdiction over park and recreation areas, and wildlife and waterfowl refuges, and citizen/advocacy group respondents, will respond at similar rates as did the federal transportation agencies that identified them in a previous survey requesting the same information. Given the relatively small population size, the study team will be able to follow up via phone calls and e-mail to ensure a high response rate.

The survey of federal transportation agencies also indicate that the survey should take 20 minutes to complete on average.

The expected total time burden of the survey is 40 hours. Transportation agency personnel who will be completing the survey are expected to be Urban and Regional Planners, Civil Engineers, or an equivalent position. Conservation Scientists or equivalent positions are expected to answer the survey as SHPO staff and officials with jurisdiction over park and recreation areas, and wildlife and waterfowl refuges. U.S. residents with similar backgrounds or knowledge of the transportation projects are expected to answer the survey for citizen/advocacy groups. The total cost for the survey is estimated at \$1,627 (= 40 burden hours * average rate of \$40.67/hour). The average rate is based on the weighted average hourly wage of the three job titles or equivalent are expected to answer the survey, Urban and Regional Planner (58 percent of respondents), Civil Engineer (21 percent of respondents), and Conservation Scientist (21 percent of respondents).¹

120 Respondents X 20 minutes = 2400 minutes / 60 minutes = 40 hours

13. Estimate of total annual costs to respondents:

No costs beyond those cited above, in answer #12, are expected for the survey. The survey is a one-time event and no additional economic calculations evaluating the net present value of cost in real dollars are necessary.

14. Estimate of cost to the federal government:

U.S. DOT estimates that it will cost approximately \$30,000 to analyze and summarize survey results in a report.

15. Explanation of program changes or adjustments:

Do to the addition of this new collection there will be a change in the program.

16. Plans for tabulation, statistical analysis and publication:

U.S. DOT plans to summarize the survey results in a Report to Congress. The report will not publish information such as the name of the person or his/her organization that submitted a particular response rather it will give an overview of responses compiled across organization type (e.g., state DOT, transit agency, citizen group, etc.).

17. Display of expiration date of OMB Approval:

U.S. DOT will display the expiration date of OMB Approval.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.

¹ Based on the 2008 U.S. Department of Bureau of Labor Statistics National Industry-Specific Occupational Employment and Wages. The median hourly wage of an Urban and Regional Planner is estimated to be \$28.75. With an estimated fringe of 35 percent, the fully loaded cost of an Urban and Regional Planner is \$38.81 per hour. The median hourly wage of a Civil Engineer is estimated to be \$35.87. With an estimated fringe of 35 percent, the fully loaded cost of a Civil Engineer is \$48.42 per hour. The median hourly wage of a Conservation Scientist estimated to be \$28.23. With an estimated fringe of 35 percent, the fully loaded cost of a Conservation Scientist is \$38.11 per hour.

Part B. Collections of Information Employing Statistical Methods

Not applicable. The following five items must be completed only if item 17 is “Yes” on OMB form 83-I. This information collection will not employ statistical methods and it is not applicable and does not need to be completed. The response to item 17 is “No” on OMB form 83-I.

1. Describe potential respondent universe and any sampling selection method to be used.

The population of interest for this one-time information collection survey includes staff members at state and local transportation agencies and transportation authorities, State Historic Preservation Offices (SHPOs), Federal, state and local agencies with jurisdiction over park, recreation areas, or wildlife and waterfowl refuges, and citizen/advocacy groups. There is no sampling selection method used; rather this survey effort seeks to include all individuals that the Federal transportation agency counterparts identified as contacts with whom the survey should also be provided.

No statistical methods will be used. All data collection will be based on a 100 percent sample of the inference population. In all reports and other publications and statements resulting from this work, no attempt will be made to draw inferences to any population other than the set of units that responded to the data collection effort.

2. Describe procedures for collecting information, including statistical methodology for stratification and sample selection, estimation procedures, degree of accuracy needed, and less than annual periodic data cycles.

The survey is a one-time collection and will be sent to 100 percent of the respondents identified by the Federal agency transportation project contacts. The data collected will only be attributed to the respondent populations.

3. Describe methods to maximize response rate.

After initial contact, there will be at least two follow-up attempts to request the survey information via phone or e-mail.

4. Describe tests of procedures or methods.

A team of transportation professionals with various backgrounds in environmental, analysis, and statistical sampling and methodology developed the survey and additional staff reviewed the survey. It was distributed to Federal transportation agency staff and 91 total responses were received. This information collection included gathering project and contact information for further survey distribution to specific populations. In addition, the project team received feedback on the survey instructions and description, resulting in minor clarifications to the instructions and formatting changes throughout the questionnaire. No substantive changes, including any to the survey questions, were made as a result of these initial survey responses.

5. Provide name and telephone number of individuals who were consulted on statistical aspects of the information collection and who will actually collect and/or analyze the information.

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