

DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

JUSTIFICATION STATEMENT

Public Transportation Emergency Relief Program

(OMB Control No. 2132-0575)

This justification statement is a request for a 3-year extension of the previous (temporary) approval granted by OMB on February 6, 2013.

1. Circumstances that make the collection of information necessary.

To meet the requirements of the Moving Ahead for Progress in the 21st Century (MAP-21) regulation, FTA requested an emergency approval from the Office of Management and Budget (OMB) for the Public Transportation Emergency Relief Program. OMB approved FTA's emergency request for approval on February 6, 2013. FTA is now requesting to extend OMB's approval of this program through the regular OMB approval process.

The provisions of 49 U.S.C. Section 5324, Public Transportation Emergency Relief Program, 49 CFR Part 18, the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (the Common Grant Rule), and prudent administration of federal grant funds dictate that grantor agencies review applications for federal assistance to assure eligibility of the grantee and the project activities and other criteria, as appropriate, and monitor approved projects to ensure timely expenditure of federal funds by grant recipients.

The Federal Transit Administration (FTA) provides financial assistance to States, local governmental authorities, Indian tribes, and other FTA recipients affected by an emergency or major disaster for emergency recovery and relief. The information collected under this program is structured to comply with federal mandates. The reporting requirements are submitted by recipients in two stages, the application and project management stages.

Application Stage:

FTA must determine the applicant's eligibility to receive program funds. FTA must know: a) who the applicant is; b) for what purpose the funds are requested; and c) the amount of federal funds requested or needed. Applicants must submit:

a. Authorizing Resolution. As required by 49 U.S.C. 1602 (a)(2)(A), this information is necessary to assure FTA that the individuals involved represent the organization seeking federal assistance and are empowered to enter into contracts on the organization's behalf.

b. Opinion of Counsel. Also required by 49 U.S.C. 1602(a)(2)(A) to ensure that the applicant has the legal capacity to carry out the project and that there is no outstanding litigation that would encumber the federal government upon project approval.

In addition, each application must include:

c. Project Budget. FTA must know how much federal financial assistance is required, the amount and sources of local funds available for this project, and the specific elements and associated costs for each.

d. Project Description. Public Transportation Emergency Relief Grants are limited to specific categories of transit projects. The project description enables FTA to determine whether funding of the proposed project is allowable under federal transit law and the Common Grant Rule.

e. Project Milestone Schedule. This document consists of milestone dates for major activities and an overall project completion date. Milestone dates are provided for such events as bid advertisement, bid award, and contract completion.

f. List of Labor Unions. This document is used by the Department of Labor in making the certification of labor protective arrangements required for grants funded under Section 5324 in statutory language at Title 49 U.S.C. at Section 5333(b).

g. Environmental Exhibit. This documentation includes a proposed classification of each activity line item in accordance with the Federal Highway Administration (FHWA)/FTA Environmental Impact and Related Procedures, as required by 23 C.F.R. Parts 771.115 and 771.117. Many projects meet the criteria for a categorical exclusion. For each of these projects, proposed classifications and supporting documentation must be submitted. For those projects that do not meet the criteria for a categorical exclusion, an Environmental Assessment or Environmental Impact Statement may need to be submitted as required by the National Environmental Policy Act.

h. Project Management Plan. As required by 49 U.S.C. Section 5327(a), grantees must prepare and submit a project management plan to FTA for major projects (generally, those projects with a total cost of more than \$100 million). These plans explicitly define all tasks necessary to implement a major capital project. Each plan must include a description of adequate recipient staff organization; a budget; a construction schedule; a document control procedure and recordkeeping system; change order procedures; a description of organizational structures, management skills, and staffing level required for construction phase, quality control and assurance programs, material testing policies and procedures; plan for internal reporting requirements, and procedures for testing an operational system or its major component.

i. Annual Certifications and Assurances. Before FTA may award a federal grant, the applicant must provide FTA with all certifications and assurances required by federal laws and regulations for the applicant or project. A grant applicant must sign the appropriate certifications and

assurances each year for all anticipated grant applications during that particular fiscal year. This annual certification process replaces individual certifications and assurances that grantees used in the past when submitting each grant application or periodically when warranted by specific circumstances.

j. **Damage Assessment.** States, local governmental authorities, Indian tribes, and other recipients of Federal Transit funds are required to submit a damage assessment to FTA to receive FTA disaster assistance. Under 49 U.S.C. Section 5324, a finding must be reached 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 recipient's application for disaster assistance. FTA's authority and responsibility to prescribe policies and procedures for the proper submission of information necessary to allow this determination is established at 49 U.S.C. Section 5334.

Project Management Stage:

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule and are contained in FTA Circular 5010.1C, and also may be included in sections of the grant contract. These reporting requirements are:

a. **Quarterly Milestone/Progress Reports (QPR).** These narrative reports define the level of activity for each project element during the reporting period. Delays, problems, and milestone achievements are reported to FTA. The reports greatly reduce the need for on-site visits by staff.

b. **Cost Allocation Plan.** These narrative reports are required of State or local agencies desiring reimbursement for indirect administrative expenses incurred in connection with a capital grant. The Cost Allocation Plan is necessary to properly determine those indirect costs attributable to capital grants.

c. **Quarterly Federal Financial Reports (FFRs).** These quantitative reports provide a financial picture of project activity. The reports include information regarding obligations, payments, receipts, and other pertinent financial data required to ensure proper expenditure of federal funds.

d. **Reports of Significant Events.** Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project should be reported to FTA immediately after detection and then reflected in the next quarterly progress report.

e. **Pre-award and Post-delivery Rolling Stock Reviews.** The reviews are required to be performed by FTA grantees purchasing rolling stock. These reviews are intended to ensure compliance with various requirements, such as Buy America, and to detect any vehicle defects while the vehicle is under warranty. Grantees certify compliance with the review requirements under the implementing rule that was published in September 1991.

f. Project Management Plan Updates. As major construction projects progress, the original project management plans need revisions and updates. Updates must include project budget; project schedule; financing, both capital and operating; ridership estimates, including operating plan; and, when appropriate, the status of local efforts to enhance ridership when estimates are contingent, in part, upon the success of such efforts to be made.

This information collection satisfies the environmental goal in the Departmental Strategic Plan.

2. How, by whom, and for what purpose the information will be used.

The reports are submitted to the Program Office, usually within an FTA Regional Office, to determine the applicant's eligibility for funding and, subsequently, the grantee's progress in implementing and completing project activities. The reports assure FTA of a level of management of risks and ensure an appropriate allocation of program funds to applicants affected by an emergency or major disaster. Also, the information submitted ensures FTA's compliance with applicable federal laws and the Common Grant Rule. In addition, without these reports, significant resources and manpower would be necessary to conduct on-site inspections.

3. Consideration of improved information technology to reduce burden.

FTA's electronic grant making and management system is a paperless, electronic grant application, review, approval, acceptance and management process. It is anticipated that 100 percent of applications received under this new program will be submitted electronically. FTA also anticipates that approximately 100 percent of the periodic reports that grantees are required to submit will be submitted electronically. Grantees are also encouraged to use the electronic system for signature of annual certifications and assurances.

FTA anticipates that 100% of the damage assessments (included with the application stage) and used to assess an applicant's need for emergency relief funds, will be submitted using the government-wide Web site GRANTS.GOV.

4. Describe efforts to identify duplication.

The reports are project specific and the information is not available elsewhere. There is no duplication.

5. Efforts to minimize the burden on small businesses or other small entities..

The information collected does not involve small businesses. However, grantees reporting from smaller urbanized areas (urbanized areas with populations of less than 200,000) are allowed to submit Milestone Progress Reports and Federal Financial Reports on an annual basis rather than on the quarterly basis formerly required.

6. Consequences to federal programs or policy activities if information was not collected or collected less frequently.

Damage assessments are submitted only once in response to an emergency or major disaster. FTA could not approve the payment of Emergency Relief funds to recipients based on a less frequent collection of this information.

If Milestone Progress Reports, Federal Financial Reports and other reports were required less frequently, additional site visits by agency staff would be required to ensure compliance with program objectives.

7. Special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

The information collected is consistent with the guidelines in 5 CFR 1320.6.

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

FTA has worked with grantees on reporting requirements in shaping its reporting system and offers an opportunity for all grantees to comment on its methodologies.

FTA published a notice of intent to collection information for this program and has invited public comment in an Interim Final Rule published in the Federal Register on March 29, 2013.

9. Explain payments or gifts to respondents.

No payments or gifts are provided to the respondents.

10. Describe any assurance of confidentiality provided respondents.

There is no assurance of confidentiality regarding these submissions.

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested and annualized cost to respondents.

Requirements	# Annual submissions	Burden hours per submission	Total burden hours
<u>Application Stage (includes completion of the Supplemental Emergency Relief Form). Also includes the following:</u>	20	50	1,000
Authorizing/Resolution }			
Opinion of Counsel }			
Project Description }			
Project Budget }			
Project Justification }			
Project Milestones }			
List of Labor Unions }			
Environmental Exhibit }			
Damage Assessment	20	50	1,000
Total, Application Stage	20	100	2,000
<u>Project Management Stage</u>	20	80	1,600
Progress Report- Annual			
Reports of Significant Events			
Federal Financial Report			
Pre-award/Post Delivery of Rolling Stock			
Cost Allocation Plans			
Project Management Plan Updates			
Total, Project Management Stage	20	80	1,600
Grand Total, Application and Project Management	40	180	3,600

The total burden associated with this submission is 3,600 hours (2,000 hours application stage + 1,600 hours project management stage).

Estimate of the cost to respondents:

The number and complexity of applications submitted each year will vary and there is a wide variance in the level of effort required. The figures below include both the application for funding and the damage assessment, and are representative of a straightforward application meeting all of the criteria for federal funding.

FTA estimates that it takes approximately 100 person-hours to develop and submit an application to FTA for review. Since FTA anticipates receiving approximately 20 applications per year, the total hours required are estimated to be 2,000 (100 hours x 20 applications = 2,000 hours). Although various personnel are involved in the development of an application, the average salary is estimated to be \$34 per hour. Therefore, the cost to the respondents for the application stage is computed at \$68,000 (2,000 hours x \$34 per hour = \$68,000).

FTA will offer its resources for emergencies in which the damage is especially severe and widespread. On average, it is estimated to require approximately 100 hours of professional staff time.

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

Professional staff time:	2,000 hours @ \$34/hour =	\$ 68,000
		Total = \$ 68,000

Staff time devoted to the preparation of progress and other project management reports takes approximately 8 hours at an average salary of \$34 per hour or \$272 per report. There are 20 reports submitted annually; therefore, the cost for the project management stage is estimated to be \$54,440 (20 reports x \$272 = \$54,440).

The total cost for the application and project management stages is \$73,440 (\$68,000 application stage + 54,440 project management stage).

13. Estimate of the total annual recordkeeping/reporting cost burden to the respondents.

There is no additional cost beyond that shown in items 12 and 14.

14. Estimate of cost to the federal government.

The cost is calculated as follows:

Application Stage:

Our experience indicates that it takes approximately 19 person-hours to review each application received by FTA. It should be noted that this figure assumes that the application is: 1) complete,

2) fundable and 3) non-controversial. More complex projects or programs of projects would consume additional time.

Although reviewed by several different staffers, from secretaries to the Administrator, we estimate that the average grade level of the reviewers is GS-12/step 5, paid \$39 per hour. Since we receive and review approximately 20 applications per year, the cost to the federal government is \$14,820 (19 hours x 20 applications = 380 hours x \$39 = \$14,820).

Project Management Stage:

A review of the progress and other project management reports submitted during a year should be completed within 1/2 hour by a GS-13 (average salary, \$40 per hour and 1/2 hour = \$20). There are approximately 20 progress reports and financial reports submitted during a year. The cost to the federal government is \$400 (\$20 x 20 = \$400).

Total cost for application and project management stages is \$15,220 (\$14,820 application stage + \$400 project management stage).

15. Explanation of program changes or adjustments.

There are no changes.

16. Publication of results of data collection.

FTA does not plan to publish the results of the information collected for statistical use.

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

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to the certification statement.

No exceptions are stated.