

The Supporting Statement

Introduction: The National Tunnel Inspection Standards.

Part A. Justification.

1. Circumstances that make collection of information necessary:

The collection of information contained in the National Tunnel Inspection Standards rulemaking is necessary to satisfy the requirements of title 23, United States Code, section 144.

On July 6, 2012, the President signed the Moving Ahead with Progress for the 21st Century Act (MAP-21) which requires the Secretary to establish National Tunnel Inspection Standards (NTIS) for tunnel inspections, a National Tunnel Inventory (NTI) to maintain inventory and inspection data, and to annually submit to Congress a report on the inventory. As a result, FHWA is proposing the NTIS which incorporates the provisions required by MAP-21 for tunnel owners, including: establishment of a program for the inspection of highway tunnels, maintenance of a tunnel inventory, reporting of the inspection findings to FHWA, and correction of any critical findings identified during these inspections. The FHWA previously proposed the NTIS in a notice of proposed rulemaking (NPRM) published in the Federal Register on July 22, 2010 at 75 FR 42643. However, MAP-21 requires that NTIS contain a number of provisions that were not included in the proposal set forth in the earlier NPRM necessitating a supplemental notice of proposed rulemaking (SNPRM).

Routine and thorough inspections of our Nation's tunnels are necessary to maintain safe tunnel operation and prevent structural, geotechnical, and functional failures. In addition, data on the condition and operation of our Nation's tunnels is necessary in order for tunnel owners to make informed investment decisions as part of an asset management program for maintenance and repair of their tunnels. Recognizing that the safety and security of our Nation's tunnels are of paramount importance, Congress declared in MAP-21 that it is in the vital interest of the United States to inventory, inspect, and improve the condition of the nation's highway tunnels. As a result of this declaration and the authority established by MAP-21 in 23 U.S.C. 144, FHWA is proposing the NTIS.

The National Transportation Safety Board (NTSB) had previously suggested that the FHWA seek legislative authority to establish a mandatory tunnel inspection program similar to the National Bridge Inspections Standards (NBIS) that would identify critical inspection elements and specify an appropriate inspection frequency. Additionally, the DOT Inspector General (IG), in testimony before Congress in October 2007, highlighted the need for a tunnel inspection and reporting system to ensure the safety of the Nation's tunnels, stating that the FHWA "should develop and implement a system to ensure that States inspect and report on tunnel conditions." Additionally, the IG stated that "FHWA should move aggressively on this rulemaking and establish rigorous inspection standards as soon as possible."

In order to be responsive to the requirements of MAP-21 and the recommendations from the NTSB and OIG, and to ensure public safety in tunnels on public roads, establishing uniform national tunnel inspection standards in regulation is necessary. Lack of mandatory standards also introduces the likelihood of non-uniformity in practices across the nation. As evidenced by recent scrutiny of the bridge inspection program by Congress, the public, media, and others, there is a strong desire to have some degree of national uniformity and consistency to ensure public trust and confidence in our highway system.

The data obtained through this information collection will support the USDOT strategic goal of Safety.

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

State Departments of Transportation will be responsible for inspecting and reporting to FHWA on the condition of the tunnels in their State. In addition, Federal agencies and tribal governments that own tunnels must inspect those tunnels and report the findings to FHWA. This will allow FHWA to be informed on the condition of tunnels in the Nation as required by MAP-21 and respond to Congressional requests for this type of data.

The information collected will be used to create a National Tunnel Inventory (NTI) that will lead to a more accurate assessment of the number and condition of tunnels in the Nation. It is necessary to collect data on the condition and operation of our Nation's tunnels in order for owners to make informed investment decisions as part of a systematic integrated transportation asset management approach. Without such an approach, ensuring an accountable and sustainable practice of maintenance, preservation, rehabilitation, or replacement across an inventory of tunnels is a significant challenge. Data-driven asset management provides tunnel owners with a proven framework to demonstrate long-term accountability and accomplishment. To meet the needs of this management approach, the data collected needs to be robust enough to support these investment decisions within a State and consistent enough across the Nation to identify trends in performance and demonstrate the linkages between Federal transportation expenditures and transportation agency programmatic results.

3. Extent of automated information collection:

The FHWA intends to collect and store the data electronically.

4. Efforts to identify duplication:

No other similar information is available. This is the first time tunnel owners will be required to collect and report tunnel inventory data and inspection findings in accordance with the new National Tunnel Inspection Standards.

5. Efforts to minimize the burden on small businesses:

Not applicable. No small businesses will be involved in this information collection

6. Impact of less frequent collection of information:

Less frequent collection of information could compromise safety and result in dated information. In order to ensure safety and provide accurate information in the annual report to Congress and all our partners, the frequency of routine inspection reports should not be less than every 24 months.

7. Special circumstances:

There are no special circumstances associated with this information collection.

8. Compliance with 5 CFR 1320.8:

The information collection request (ICR) associated with the supplemental notice of proposed rulemaking (SNPRM) will be published in the SNPRM document itself, consistent with 5 CFR 1320.8(d)(3). Since that SNPRM is forthcoming, there is no Federal Register citation available for it at this time.

9. Payments or gifts to respondents:

There are no payments or special gifts associated with this collection.

10. Assurance of confidentiality:

FHWA is not assuring confidentiality with this collection.

11. Justification for collection of sensitive information:

No questions will be asked that are of a personal or sensitive nature.

12. Estimate of burden hours for information requested:

I. Estimated Burden for Preliminary National Tunnel Inventory

Respondents: 50 States, District of Columbia, and Puerto Rico and any Federal agencies and tribal governments that own tunnels (approximately 52 total).

Frequency: Once within 120 days of the effective date of the rule.

Estimated Average Annual Burden: Approximately 2,808 hours.

The estimated burden on tunnel owners to collect, manage, and report this data is assumed to be 8 hours per tunnel for a total estimate of 2,808 hours for all 350 estimated tunnels in the Nation. This represents an average of 54 hours per responder. With the average time of 54 hours per responder to collect, manage and report preliminary inventory data, it is estimated that the burden hours will total 2,808 hours per year (52 responses x 54.00 hours per responder = 2,808 hours).

Responses = 52

X 54 hrs
2,808

Burden Hours

= 2,808

II. Estimated Burden for Routine Inspection Reporting

Respondents: 50 States, District of Columbia, and Puerto Rico and any Federal agencies and tribal governments that own tunnels (approximately 52 total).

Frequency: Once every 24 months.

Estimated Average Annual Burden: Approximately 9,080 hours.

The number of responses per year is based on the total number of tunnels in the United States of 350, with approximately one half being inspected each year based on the standard 24 month inspection frequency. The annual responses are estimated at 175 for routine inspections.

With the average time of 40 hours to collect, manage and report routine inspection data, and an additional 2,080 hours to follow up on critical findings, it is estimated that the burden hours will total 9,080 hours per year (7,000 hours (175 responses x 40.00 hours per response) + 2,080 hours (for follow-up on critical findings) = 9,080 burden hours).

Responses =	175	
	X	<u>40 hrs</u>
		7,000
	+	<u>2,080</u>
		52 responses x 40hrs for follow up on critical findings
Burden Hours		
=		9,080

Estimated Total Annual Burden Hours: **Approximately 11,888 total annual burden hours**

2,808 hours for preliminary inventory + 9,080 for routine inspections = approximately 11,888 total annual burden hours for the first year.

Since the majority of States are already inspecting their tunnels, they are likely to have much of the data needed to satisfy the preliminary inventory data collection burden. Likewise, since many States are already collecting and storing inspection data they are likely to already have much of the data needed to satisfy the routine inspection burden. As a result, FHWA expects that the additional burden on the States to report this data will be very minimal.

**** For ROCIS Entry Purposes ****

We will collect information 2 times during this 3 year approval. This gives FHWA an average of 3,962 hours per year (11,888 X 3).

13. Estimate of total annual costs to respondents:

The estimated cost to collect, manage, and report preliminary inventory data is \$56,160 (2,808 hours @ \$20/hour = \$56,160).

The aggregate annual cost increase for tunnel owners not currently inspecting at the required interval is \$1,494,000.

14. Estimate of cost to the Federal government:

There are no costs to FHWA.

15. Explanation of program changes or adjustments:

This is a new collection.

16. Publication of results of data collection:

FHWA anticipates that data collected will be included in the annual report to Congress required by MAP-21 about condition of Tunnels in the US.

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

FHWA is not seeking this approval.

18. Exceptions to certification statement:

No exemptions are required; these activities will comply with the requirements in 5 CFR 1320.9.