




**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 2 2013

To: Dom Mancini, Deputy Associate Administrator, Office of Information and
Regulatory Affairs, Office of Management and Budget

From:  Sylvia I. Garcia, Acting Chief Financial Officer and Assistant Secretary for
Budget and Program, Office of the Secretary of Transportation, U.S.
Department of Transportation

Re: Paperwork Reduction Act Requirements for Program funded under Moving
Ahead for Progress in the 21st Century Act

The Moving Ahead for Progress in the 21st Century Act of 2012 (“MAP-21”), authorized funding for the Transportation Infrastructure Financing and Innovation Act (“TIFIA”) program. The TIFIA program provides Federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to eligible surface transportation projects.

TIFIA was originally authorized in 1998 under the Transportation Equity Act for the 21st Century (“TEA-21”). TIFIA was then reauthorized and amended in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). MAP-21, which was enacted July 1, 2012 authorized additional funding and made significant changes to the TIFIA’s program’s structure as of October 1, 2012. In order to ensure that applicants are aware of the changes to the program, the Department requests approval to use OMB’s emergency processing system to meet Paperwork Reduction Act (“PRA”) requirements.

The Department is required to comply with PRA requirements for the TIFIA program because the Department is required to request an application from each applicant in order to be considered for TIFIA credit assistance.

Without your approval of this request, the release of the application to applicants will be delayed and the program will not be able to provide credit assistance in a timely manner to projects that are ready to receive credit assistance.

The public interest would be served by emergency processing of this information collection request. Processing under the normal timeline would prevent TIFIA from collecting and processing letters of interest and applications, and would delay the delivery of loan proceeds to projects that are ready to begin construction. Emergency

processing would allow TIFIA to proceed with its credit assistance efforts without causing delays to projects that are ready to begin construction. Such delays would likely result in increased costs and price inflation for projects that would need to be covered by increased local, state, and federal funding, as well as an increased cost to the TIFIA program to provide credit assistance. Emergency processing would allow projects to receive and use TIFIA credit assistance at a sooner date than would be possible under standard PRA processing, putting people to work on those projects sooner than would be possible under standard PRA processing. In short, emergency processing will provide access to billions of dollars of federal credit assistance for large infrastructure projects that would otherwise be delayed using the standard PRA processing system.

In February of this year, President Obama outlined a vision for infrastructure investment in his State of the Union Address that included boosting support for programs like TIFIA through his “Rebuild America Partnership,” and a call to reduce bureaucratic red tape through an expedited permitting initiative. Emergency PRA clearance would further President Obama’s infrastructure investment goals and remove a roadblock that would result in the delay of construction projects seeking TIFIA assistance around the country.

Under MAP-21, by April 1, 2014, DOT must have committed an amount equal to at least 75 percent of the new TIFIA budget authority, or a portion of such budget authority will be distributed to states via the Federal-aid formula as grants, and USDOT will lose any discretion on how the funds are spent.

If that occurs, USDOT will lose the ability to leverage these federal funds through credit assistance. The TIFIA credit program is designed to fill market gaps and leverage substantial private investment. Each dollar of federal funding can provide up to \$10 in TIFIA credit assistance and support up to \$30 in transportation infrastructure investment. Since its launch, the TIFIA program has helped 33 projects turn \$11.6 billion in DOT assistance into \$44 billion in infrastructure investment across America. MAP-21 transformed TIFIA into the largest transportation infrastructure loan program in history, making available up to \$17.5 billion in credit assistance for over \$50 billion in critical transportation infrastructure projects.

Under 5 CFR 1320.13, the information collection is essential to the mission of the agency, which is to implement MAP-21 and the Transportation Infrastructure Financing and Innovation Act by providing credit assistance to eligible projects. The information is needed prior to the expirations of the time periods in 5 CFR 1320 due to the April 1, 2014, statutory deadline and the long process of negotiating credit assistance agreements with project sponsors interested in the TIFIA program. Under 5 CFR 1320.13 (a)(2) (iii), USDOT cannot comply with the normal clearance procedures because the normal clearance process would create the substantial likelihood that USDOT would fail to meet the April 1, 2014, statutory deadline to commit 75 percent of the new TIFIA budget authority. USDOT needs to collect this information in order to enter into credit assistance

agreements with interested project sponsors. Entering into credit assistance agreements is the only way for USDOT to meet the April 1, 2014, statutory deadline.

In addition to the statutory requirements, there is significant Congressional oversight attention on the expeditious implementation of this program. On July 24th, Secretary Foxx testified before the Senate Committee on Environment and Public Works in a hearing entitled "Oversight Hearing on Implementation of MAP-21's TIFIA Program Enhancements." While the committee is strongly supportive of the program, the Senators repeatedly urged the Secretary to speed up the pace of program implementation to ensure that project aren't delayed as a result of delays in the closing of loans.

We appreciate your most expeditious consideration of this emergency request.