

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

JUSTIFICATION STATEMENT

**49 U.S.C. SECTIONS 5310 – CAPITAL ASSISTANCE PROGRAM FOR
ELDERLY PERSONS AND PERSONS WITH DISABILITIES AND SECTION
5311- NONURBANIZED AREA FORMULA PROGRAM**

This justification statement is associated with a request for a revision of a currently approved information collection.

A. Justification

**1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF
INFORMATION NECESSARY.**

This request for revision is in response to requirements mandated by the Moving Ahead for Progress in the 21st Century (MAP-21) regulation. This revision adds the Tribal Transit Program to this information collection under Section 5311. The Tribal Transit Program was previously submitted and approved as a separate information collection under the American Recovery and Reinvestment Act (ARRA) on an emergency basis and then approved for 3 years under the regular approval process. This approval expires on September 30, 2013. ARRA is no longer pertinent for this program. Under MAP-21, the Tribal Transit Program continues to be set aside from the Rural Areas Formula Program (Section 5311), but now consists of a \$25 million formula program and a \$25 million discretionary grant program.

The Federal Transit Administration (FTA) provides financial assistance to states, local governments, private nonprofit agencies, and public bodies through the Section 5311 program for transportation services in nonurbanized areas and the Section 5310 program for transportation services designed to meet the needs of elderly persons and persons with disabilities. The Rural Transit Assistance Program (RTAP), a subsection of Section 5311, provides for training, technical assistance, and related activities to support rural public transportation. The Tribal Transit Program, another subsection of Section 5311, provides transportation services to Indian tribes. FTA provides transportation services designed to meet the mobility needs of seniors and persons with disabilities through the Section 5310 program. Under MAP-21, this program no longer provides a single apportionment to the state; however, it now provides apportionments specifically for large urbanized, small urbanized and rural areas and will require new designations in large Urbanized Areas (UZAs). Additionally, MAP-21 expanded the eligibility provisions to include operating expenses.

The provisions of 49 U.S.C. Sections 5310 and 5311, 49 CFR Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” and 49 CFR Part 19, “Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations,” require that FTA review Section 5310 and Section 5311 applications for federal financial assistance. This review assesses eligibility and compliance with statutory and administrative requirements and provides a basis for monitoring approved projects to ensure timely and appropriate expenditure of federal funds by grant recipients. The applications must contain enough information to enable the agency to make the findings required by law and enforce program requirements.

Although differences exist in the administration of these two programs, the information collection under each program is structured to comply with legislative and administrative mandates. Generally, the reporting requirements are identical and are submitted by grantees in two stages: the application stage and the project management stage. Since both the Section 5310 and Section 5311 programs are administered by the States, application and reporting requirements to FTA have been streamlined and made as minimal as possible. For each program, the state submits a consolidated annual application on behalf of all the subrecipients within the state. The subrecipients do not submit information directly to FTA, but are required by the State to file sufficient documentation to support the assurances and certifications the state must make on their behalf.

APPLICATION STAGE

During the application stage, FTA must determine the applicant’s eligibility to receive program funds. Project planning requirements must be complete and properly documented prior to submitting grant applications. FTA must know: (a) who the applicant is; (b) for what purpose the funds are requested; and (c) the amount of federal funds requested.

A description of the application stage requirements, as included in the program circulars, follows:

- a. The Project Budget identifies funds for project implementation. The applicant prepares the program budget, which identifies the local and federal shares that make up the project funding. The identification of the amount of the local and federal shares is necessary for project approval.
- b. The Program of Projects includes a list of subrecipients that will be funded, the total amount of funds for each subrecipient, and a description of the projects to be funded. Only certain categories of transit projects are eligible for funding, and the project description enables FTA to determine whether funding of the proposed project is permissible under the law. These project descriptions usually consist of a list of capital acquisitions planned, or the period of operating assistance, or type

of service to be funded. The projects are listed in three categories: those which have already met all requirements and can be initiated as soon as approved, those which are expected to complete all requirements during the year, and a program reserve for unanticipated needs. Once the program of projects is approved, the state has considerable flexibility to make revisions without further FTA concurrence.

- c. The Project Implementation Plan is a brief plan for implementation of the program of projects. The plan should include significant milestones such as vehicle procurements and agreements with subrecipients, an estimated schedule for encumbrance of funds, and an estimated completion date for the grant.
- d. The State Management Plan describes the grantee's policies and operating procedures in administering the programs. The submission of this information is on a one-time basis. The information enables FTA to ascertain that the grantee's administration of the programs is consistent with federal policies without conducting repeated inspections and detailed supervision of each grantee's procedures. Significant changes in program procedures are reflected in revisions to the State Management Plan.
- e. Annual Certifications and Assurances certify compliance with all applicable related federal requirements. The annual notice, published in the Federal Register, provides the applicant with a single signature page on which the applicant and its attorney certify compliance with all certifications and assurances applicable to each grant for which the applicant wishes to apply in each fiscal year.
- f. Public Hearings Notice, Certifications, and Transcripts. Section 5311 applicants and Section 5310 applicants, which include public bodies among their subrecipients, are required to certify that a hearing was held or the opportunity for a hearing was provided for each project for which an application was submitted. The transcripts for any such hearings held must be retained by the States and made available to FTA upon request.

PROJECT MANAGEMENT STAGE

Upon notice of approval of the program of projects, the grantee may begin implementation of project elements. The reporting requirements, listed below, are necessary to ensure proper and timely expenditure of federal funds within the scope of the approved program of projects. This requirement complies with 49 CFR Parts 18 and 19 and will be contained in FTA Circular 9070.1G, "Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance & Application Instructions," when it is finalized.

Financial Status Report. On an annual basis, the State should provide a financial status report (SF 269a) for each active grant.

Annual Program Status Report. The information collected is essentially an update of the program of projects for each active grant.

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED.

The information collected is used by FTA to determine eligibility for grant benefits and ensures compliance with federal requirements. The information is also used by FTA for program management and monitoring.

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.

49 U.S.C. Section 5310 and Section 5311 grant applications and project management reports are submitted electronically (100 percent) through the Transportation Electronic Award and Management (TEAM) System. This electronic system allows grantees to apply for funds, seamlessly receive information about their requests and provide overall project management. The TEAM system has a point-and-click capability, menus and selection choices designed to streamline the application process and significantly reduce the amount of information a user needs to input the application. It effectively elevates the management of the federal assistance application and administration process to the users' desktop and reduces dependency on paper copies. Since FTA last reported, some enhancements have been made to the TEAM system. Grantees can now attach documents as part of their TEAM application, allowing them to include required information (such as programs or projects) that they may have readily available for other program purposes as an attachment, rather than transferring the data into appropriate TEAM fields. In addition, the TEAM system is a web-based system, allowing grantees greater accessibility to the system and ensuring fewer delays due to restrictions inherent in the former disk-based system.

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.

There is no duplication. The information is project specific and is not available elsewhere. Many requirements have been satisfied with one-time submissions that must be updated only when significant changes occur.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESS OR OTHER SMALL ENTITIES, DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

This information collection does not involve small businesses.

6. DESCRIBE CONSEQUENCES TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION WERE CONDUCTED LESS FREQUENTLY AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

The information that is collected during the application stage must be collected annually because grantees submit one annual grant during a fiscal year. Section 5311 and Section 5310 funds are apportioned to the States each fiscal year.

During the project management stage an annual financial report and an annual program status report are submitted. These reports provide needed financial information on the grant and a status of the program of projects.

The information collected during the application stage and the project management stage is required to ensure FTA compliance with the provisions of the Federal Transit Act and 49 CFR. If the information were collected less frequently than required during the application stage and the project management stage, it would inhibit FTA from determining the applicant's eligibility for funding. Also, less frequent submissions would reduce the effectiveness of FTA's monitoring responsibility required by 49 CFR Parts 18 and 19.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT REQUIRE THE COLLECTION TO BE CITED IN A MANNER INCONSISTENT WITH THE GUIDELINES IN 5 CFR 1320.6.

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

8. DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY.

A 60-day Federal Register notice was published on February 6, 2013 (page 8691), soliciting comments prior to submission to the Office of Management and budget (OMB). No comments were received from that notice. A 30-day Federal Register notice was published on April 22, 2013 (pages 23816 and 23817).

A national meeting of State program managers is held every other summer to discuss program administration issues. Approximately 90 program managers attend these meetings, representing most of the states.

In preparing this report, several State grantees were consulted regarding the times it takes them to provide the information collected by FTA.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

No payment or gift is made to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

FTA gives no assurance of confidentiality since the information is not personal or sensitive in nature.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF SENSITIVE NATURE.

No questions of a sensitive nature are involved.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION AND ANNUALIZED COST TO RESPONDENTS.

Section 5310 Program

Annually, it is estimated to take 40 hours of application preparation and 49 hours of project management) per 52 respondents (the trust territories of Guam, America Samoa, and the Northern Marianas and the State of North Carolina) for the Section 5310 Program.

Application Stage:

52 respondents x 40 hours = 2,080 hours

Total Application Stage = 2,080 hours

Project Management Stage:

52 respondents x 49 = 2,548 hours

Total burden hours for Section 5310 Program = 4,628 hours (2,080 hours for application stage + 2,548 hours for project management stage).

Section 5311

Annually, it is estimated to take 73 hours of application preparation and 55 hours of project management per 126 respondents (55 for Section 5311 Formula Program and 71 for Tribal Transit Section 5311 Program).

Application Stage:

5311 Formula Program: 55 respondents (50 states and 5 territories) x 71 hours = 4,070 hours

5311 Tribal Transit Program: 71 respondents x 74 hours = 5,254 hours

Total Application Stage: 9,324 hours (4,070 hours + 5,254 hours)

Project Management Stage:

5311 Formula Program: 55 respondents x 55 hours = 3,025 hours

5311 Tribal Transit: 71 respondents x 55 hours = 3,905 hours

Total Project Management Stage: 6,930 (3,025 hours + 3,905 hours)

Total burden hours for Section 5311 Program = 16,254 hours (29,324 hours for application stage + 6,930 hours for project management stage)

Total Burden Hours for Both Programs:

Section 5310	4,628 hours
Section 5311	<u>16,254 hours</u>
Total Hour Burden	20,882 hours

The estimated cost to the respondents is calculated as follows:

Section 5310 \$30 per hour x 4,628 hours = \$138,840

Section 5311 \$30 per hour x 16,254 hours = \$487,620

Total cost to respondents \$626,460

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION.

There are no additional costs beyond those shown in Items 12 and 14.

14. ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT

This cost is calculated as follows:

Application Review

Experience indicates that it takes approximately 17 hours to review each application received by FTA for the Sections 5310 and 5311 programs. It should be noted that this figure assumes that the applications are: 1) complete, 2) fundable and 3) non-controversial. More complex projects or programs of projects would consume additional time.

There are 178 respondents (49 states and 2 U.S. territories and the District of Columbia for the Section 5310 Program and 50 states and 5 U.S. territories and 71 for Tribal Transit under the Section 5311 Program.

The applications are reviewed by a GS-12/5 at an hourly rate of \$39.

Therefore:

$17 \text{ hours per respondent} \times \$39 \times 178 \text{ respondents} = \$118,014 \text{ annually for both programs for the application stage.}$

Project Management

A review of the progress and other project management reports submitted during a year should be completed within 1 hour by a GS-13 (average salary of \$40 per hour). There are approximately 712 progress reports submitted during a year (178 respondents submitting 4 reports per year).

Therefore:

The total cost for the project management stage is \$28,480 per year for both programs ($\$40 \times 712 = \$28,480$).

The total cost for application and project management stages is \$146,494 (\$118,014 application stage + \$28,480 project management stage).

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14.

- The total number of burden hours associated with this request is 20,882, representing an increase of 9,087 hours from the previous request of 11,668 hours. The increase is due primarily to the addition of the Tribal Transit Program to this information collection.

16. PLANS FOR TABULATION AND PUBLICATION OF COLLECTION OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED.

There are no plans to publish the results of this information collection.

17. IF SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL, EXPLAIN THE REASONS.

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

18. EXPLAIN ANY EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19 OF OMB.

No exceptions are stated.