

SUPPORTING STATEMENT
Public Transportation Safety Certification Training Program
OMB CONTROL NO (NEW ICR REQUEST)

ABSTRACT

The purpose of this request is to seek the Office of Management and Budget's (OMB) approval for a new information collection that is associated with a Notice of Proposed Rulemaking (NPRM). This supporting statement includes the requirements pertaining to the Public Transportation Safety Certification Training Program proposed rule. The NPRM was published on December 3, 2015 [Vol 80. No. 232] pages 75639-75656 - Docket Number FTA 2015-0014.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Under MAP-21 (49 U.S.C. Section 5329 (c)(1)), Congress directed the Federal Transit Administration (FTA) to develop a public transportation safety certification training program (PTSCTP) for: 1) FTA and State personnel and their contractor support who conduct safety audits and examinations of public transportation systems referred to in this supporting statement as State Safety Oversight (SSO's) Agencies; and 2) public transportation agency personnel who are directly responsible for safety oversight referred to in this supporting statement as Rail Transit Agencies (RTA's). To that end, FTA issued an Advance Notice of Proposed Rulemaking (ANPRM) on all aspects of FTA's safety authority, including the training program, which was published in the Federal Register on October 3, 2013. (See 78 FR 61251, <http://www.gpo.gov/fdsys/pkg/FR-2013-10-03/pdf/2013-23921.pdf>).

Pursuant to direction set forth in 49 U.S.C. 5329(c)(2), FTA established an interim program for the certification and training of safety oversight personnel prior to developing the final rule for the PTSCTP. FTA published the requirements for the interim program in the **Federal Register** on February 27, 2015 at 80 FR 10619 (See <https://www.federalregister.gov/articles/2015/02/27/2015-03842/interim-safety-certification-training-program-provisions>).

To comply with 49 U.S.C. Section 5329(c)(1), required participants must log in to FTA's website (safety.fta.dot.gov) and establish a user ID and password. Once this is completed, each participant will be provided with a curriculum that is associated with their category. The learning profile provided to each participant will include the dates that registration will open for courses listed in the participant's profile. Participants will be notified by email when there has been an update to their profile. Once the website registration process is completed, users will be able to register for available classroom training, participate in e-learning opportunities, and track their progress towards completion of their requirements. If a participant has previously completed a course that is listed in their profile (e.g., TSSP), that participant will be able to upload a copy of the certificate to his or her profile at safety.fta.dot.gov.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public.

It is necessary for FTA to collect information for this program in order to ensure that state oversight agencies and rail transit agency personnel have completed the necessary training to perform their

designated safety functions. FTA will use the information collected through the website to monitor effective implementation of 49 USC Section 5329(c)(1). Certain information collected through the website may be disseminated to registered users or program managers in order to encourage or enforce participation.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

FTA will be collecting information from each participant on a one-time basis as participants enter into the program. All participants (100%) will utilize FTA's public website to enter, update, and maintain participation in the PTSCTP. Participants and FTA will have online capability to access and download records of participation through the website. FTA's development of the training website significantly reduces the paperwork burden on the entire industry that would be imposed by a training certification program. If and when technical assistance is warranted, FTA may provide support through either electronic or telephonic forms of technology.

4. Describe efforts to identify duplication.

49 U.S.C. Section 5329 (c)(1) was drafted by Congress to address the public need for a Public Transportation Safety Certification Training Program and contains the first federal requirements for training for the required participants. Since this is the first such requirement, there is no duplication of effort for participants. The information requested pursuant to this rule is unique to each participant and is not available from any other source. FTA has coordinated its efforts during the rulemaking process to ensure that required participants for each rule are not burdened with the same requirements twice. FTA has numerous programs/information collections that in some cases have some overlap of required participants. However, tasks associated with each information collection have been designated in the appropriated rule and not duplicated.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

In an effort to minimize burden on smaller participants, FTA has made bus transit system personnel with direct safety oversight responsibility and State DOTs overseeing safety programs for 5311 sub-recipients voluntary participants in this final rule. FTA has also developed and deployed a securely-hosted website that will allow for participant to track their own progress through the website, in an effort to reduce the burden of on participants of maintaining their own systems for tracking. In addition, FTA has developed and will continue to develop and offer e-Learning courses. This assists in minimizing travel burden and time away from the office.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

FTA has limited the information collection requirements of its implementation of 49 U.S.C. Sections 5329(c)(1) to those requirements that are absolutely essential. The initial collection is critical as FTA needs to determine the participants in the program. Additionally, uploading certificates and developing and uploading technical training plan proposals is critical to determine the SSOAs' and RTAs' abilities to conduct effective safety oversight. Any delay or curtailment in the reporting system designed by FTA would hamper greatly the ability of FTA to monitor the SSOAs and for the SSOAs to effectively monitor the training compliance by the rail transit agency personnel. Without the information collection requirements stated in this document, FTA would be unable to adequately determine compliance with program requirements, which could negatively affect funding status of

grant recipients. FTA considers this rule and the collection of information hereunder to be a critical element of its goal of increasing safety of public transportation.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

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

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Public comments were solicited pursuant to a Federal Register Notice published on February 27, 2015 (which can be viewed here: <http://www.gpo.gov/fdsys/pkg/FR-2015-02-27/pdf/2015-03842.pdf>). Comments to the ANPRM and FTA's responses are summarized in the NPRM (attached), published on December 3, 2015 Vol 80, No 232 pgs. 75639-75656 [Docket No. FTA-2015-0014]. There were no comments on the proposed information collection.

9. Explain any decisions to provide payments or gifts 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.

There have been no assurances of confidentiality provided to respondents. This was unnecessary given that there will be no questions of a confidential nature for individuals on the information reported by the RTAs to the state oversight agency, or on the information reported by the state oversight agency to FTA. In the Final Rule, FTA encouraged states to provide a legal recourse for protecting the information provided to the state oversight agency from being eligible for use in court suits against RTA's.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No individuals are asked questions of a sensitive nature in this information collection. Only RTAs and state oversight agencies will provide the information.

12. Provide an estimate in hours of the burden of the collection of information.

Total Annual Respondents: 90 respondents (30 State Safety Oversight (SSO) Agencies who conduct audits and examinations of public transportation systems and 60 public Rail Transportation Agency (RTA) personnel who are directly responsible for safety oversight of their agency).

Total Annual Responses: 750 (270 SSO responses + 480 RTA responses = Total number of responses for all requirements).

Total Annual Burden Hours: 5,208 (2916 SSO's burden hours + 2,292 RTA burden hours. Please note, SSO's have an increased burden hour total because they have more competencies to complete).

Total Annual Burden Cost: \$212,735.56

The information collection requirements in this supporting statement were included in the NPRM published on December 3, 2015 Vol. 80 No. 232. The estimated time to fulfill each requirement are as follows:

CFR Section	Total Annual Respondents	Total Annual Responses	Avg. Time per Response (Hours)	Total Annual Burden Hours	Annual Cost Burden
Subpart A - General					
672.1 Purpose	0	0	0	0	\$0.00
672.3 Scope and Applicability	0	0	0	0	\$0.00
672.5 Definitions	0	0	0	0	\$0.00
SubPart B - Training Requirements					
672.11 Designated Personnel who conduct audits and examination <i>SSO's Only</i>	30	30	2	60	\$2,450.40
672.13 Designated Personnel of Public Transportation Agencies <i>RTA's Only</i>	60	60	3	180	\$7,351.20
672.15 (a)(b) Evaluation of prior training <i>SSO's & RTA's</i>	90	360	4	1,440	\$58,809.60
672.15 (c) FTA will evaluate prior training	0	0	0	0	\$0.00
Subpart C - Administrative					
672.21 (a) Records - FTA maintains database	0	0	0	0	\$0.00
672.21 (b) Ensure personnel enroll and update <i>SSO's & RTA's</i>	90	90	2	180	\$7,351.20
672.21 (c) SSO Requirement <i>SSO Only</i>	30	30	60	1,800	\$73,512.00
672.23 Availability of Records* <i>SSO's & RTA's</i>	90	360	3.3	1,189	\$48,558.76
Subpart D - Compliance as a condition of financial assistance					
672.31 (a) (b) Requirements to certify compliance <i>SSO's & RTA's</i>	90	90	3	270	\$11,026.80
672.33 Compliance as a condition of financial assistance <i>SSO's & RTA's</i>	90	90	1	90	\$3,675.60
Total				5,208	\$212,735.56

*record keeping; not included in calculation of total annual responses

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

There is no additional cost beyond that shown items 12.

14. Provide estimates of annualized cost to the Federal government.

We estimate the annualized cost to the Federal government to be approximately \$1,422,204. This total includes Federal Salaries and Benefits, contract services, equipment and supplies, travel, course delivery, indirect costs and estimated materials fee.

15. Explain the reasons for any program changes or adjustments.

This is a new program and a new information collection to the FTA PRA inventory.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Users of the training website will be able to see summary analytic information about the training progress of others in the industry. FTA does anticipate reporting on the progress of the industry in aggregate to Congress, however, FTA does not plan to publish training program data outside of the analytics that will be presented on the website.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

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

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.