

**DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**Statewide and Nonmetropolitan
Transportation Planning; Metropolitan Transportation Planning
(OMB Control No. 2132-0529)**

JUSTIFICATION STATEMENT

Brief Overview:

This justification statement is associated with a request for a revision of a currently approved information collection and the final rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning published on May 27, 2016 Vol. 81 No. 103, that requires metropolitan planning organizations (MPOs) and State Departments of Transportation (DOTs) to implement performance-based planning and programming, and reference performance measures and targets within the Metropolitan Transportation Plans, Metropolitan Transportation Improvement Programs, Long Range Statewide Transportation Plans, and Statewide Transportation Improvement Programs.

On July 6, 2012, the President signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) and on December 4, 2015, signed into law P.L. 114-94, the Fixing America's Surface Transportation Act (FAST). The MAP-21 made significant changes to the statewide and nonmetropolitan planning process and the metropolitan transportation planning process, and the FAST Act made minor changes to existing provisions. As a result, FHWA and FTA issued a final rule that makes the regulations consistent with current statutory requirements. The rule is central to the implementation of the overall performance management framework created by MAP-21.

The changes to the FHWA/FTA statewide and nonmetropolitan and metropolitan transportation planning regulations (23 CFR Part 450 and 49 CFR Part 613) make the regulations consistent with current statutory requirements. Major regulatory revisions include a new mandate for States and metropolitan planning organizations (MPOs) to take a performance-based approach to planning and programming; a new emphasis on the nonmetropolitan transportation planning process, by requiring States to have a higher level of involvement with nonmetropolitan local officials and providing a process for the creation of regional transportation planning organizations (RTPOs); a structural change to the membership of the larger MPOs; a new framework for voluntary scenario planning; and a process for programmatic mitigation plans. Changes in each of these areas are described below.

The FHWA and FTA included a burden analysis for the Regulatory Impact Analysis (RIA) that was prepared for the final rule.

Background/Definitions:

The Unified Planning Work Program (UPWP) and **State Planning and Research (SP&R) Program** contain information describing transportation and transportation related planning activities anticipated to be undertaken in metropolitan and non-metropolitan areas. The UPWP details the planning work to be performed in metropolitan areas with Federal planning assistance and serves as the Metropolitan Planning Organization (MPO)'s planning grant application for Federal Highway Administration (FHWA) metropolitan planning funds and as the basis of the Federal Transit Administration (FTA) grant application for funding to support metropolitan planning. The UPWP describes:

- a. Task objectives.
- b. Tangible products expected.
- c. Previous work towards these objectives.
- d. Relationship to other activities.
- e. Agency responsible for work.
- f. Cost and funding source.

The UPWP is required of all MPOs in Transportation Management Areas (TMAs), i.e., all urbanized areas of over 200,000 population and other areas designated by the FHWA and FTA at the request of the MPO and State Governor. MPOs in non-TMAs may also develop UPWPs, although FTA and FHWA may accept more simplified statements of work for these urbanized areas.

Similarly, the State submits planning activities for funding under the FHWA and FTA SP&R program, describing the proposed planning work to be carried out throughout the State. UPWPs and applications for funding under the SP&R program are reviewed and approved by FHWA and FTA for their separate funding programs.

The Metropolitan Transportation Plan (Metropolitan Plan) describes the policies, strategies, and facilities, or changes in facilities, comprised of both capital investment and operational/management strategies, as proposed by State and local officials for future implementation. It is a dynamic document which addresses at least a twenty-year planning horizon, but is reviewed and updated every five years in areas that are in attainment of national ambient air quality standards, and every four years in areas designated as non-attainment or maintenance of those standards. The joint FTA/FHWA planning regulations require that the metropolitan plan be multimodal in nature. It must include a discussion of types of environmental mitigation activities and potential areas for applying them, in consultation with federal, State, and tribal wildlife, land management, and regulatory agencies. The metropolitan plan also must include a financial plan identifying known and reasonable projected revenues to support implementation of projects and strategies included in the plan. In TMAs, the metropolitan plan must reflect consideration of congestion management strategies and performance measures as defined through their Congestion Management Process. Development of the metropolitan plan must also allow for an adequate opportunity for public participation. The metropolitan plan ensures that projects proposed for implementation are based on a continuing, comprehensive, and cooperative planning process.

The Long-Range Statewide Transportation Plan (Statewide Plan). The requirements of the statewide plan are similar to those of the metropolitan plan, with the exception that project-level detail in the statewide plan recommendations, and a supporting financial plan, are optional. Also, the Statewide Plan has no legislatively required update cycles.

The Metropolitan Transportation Improvement Program (TIP) is a management tool for prioritizing and programming projects and strategies for funding by FTA and FHWA for near-term implementation in metropolitan planning areas, covering a minimum four-year period. Updated at least every four years, the TIP must be consistent with the metropolitan plan and reflect the overall transportation goals while identifying the realistic local and federal financial resources that are used to fund infrastructure improvements. Associated with the TIP, a list must be prepared annually of projects from the TIP for which funding was obligated in the previous year, including investments in pedestrian walkways and bicycle transportation facilities.

The Statewide Transportation Improvement Program (STIP) is the management tool for prioritizing and programming projects and strategies for funding by FTA and FHWA for near-term implementation throughout the State. As with the TIP, the STIP must cover a minimum four-year period and be updated at least every four years. The portion of the STIP in a metropolitan planning area is developed in cooperation with the MPO, with metropolitan TIPs included without change, directly or by reference, in the STIP after their approval by the MPO and the State's Governor. The STIP is jointly approved by FTA and FHWA and serves as the basis for funding awards under Title 23 and Title 49, Chapter 53, for the individual projects and strategies included.

In summary, the UPWP identifies transportation planning activities in metropolitan areas and supports the request for funding to support the work under both FTA and FHWA planning programs in metropolitan areas. A similar listing of planning activities is prepared on a statewide level as the basis for FTA and FHWA SP&R funding. The metropolitan plan and statewide plan reflect the long range goals and objectives determined through the metropolitan and statewide transportation planning processes respectively. The TIP and STIP are short-range multi-year listings of highway and transit improvement projects which are consistent with the metropolitan and statewide plans and which support the request for, and receipt of, federal transportation funding under Title 23 U.S.C. and Chapter 53 of Title 49 U.S.C.

1. Explain the circumstances that make information collection necessary.

FTA and FHWA jointly carry out the federal mandate to improve metropolitan and statewide transportation under authority of Title 49, Chapter 53, and Title 23 of the United States Code. Sections 5305(g) of Title 49 and 104(f) of Title 23 authorize funds to support transportation planning at metropolitan and statewide levels. As a condition to receive Title 49, Chapter 53, and Title 23 funding, requirements are established for metropolitan and statewide transportation planning under Sections 5303 and 5304 of Title 49 and Sections 134 and 135 of Title 23 that call for development of transportation plans and transportation improvement programs in all States and metropolitan areas. The information collection activities necessary to prepare federally required plans and programs, and the supporting planning studies proposed for funding in UPWPs and under

the SP&R work programs are necessary to monitor and evaluate current and projected usage and performance of transportation systems nationwide - in each urbanized area and throughout every State.

The metropolitan transportation plan and TIP are required by Sections 49 U.S.C. 5303 and 23 U.S.C. 134, which state that "metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State." 49 U.S.C. 5304 and 23 U.S.C 135 require that each "State shall develop a long-range transportation plan and STIP for all areas of the State." Both statutory sections require that "the process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive." MPOs and States use metropolitan and statewide plans, TIPs, and STIPs as the basis for investing federal and non-federal capital funds for transportation infrastructure investments. (Note: Paperwork Reduction Act requirements for preparation of the STIP are covered by OMB control number 2125-0039.)

23 CFR Part 450 implements these statutory requirements. (Note: 23 CFR Part 450 is identical to, and cross-referenced by, the equivalent regulation in Title 49, 49 CFR Part 613.) The MPO, together with the State and public transportation operators, prepares plans for each urbanized area, while the State develops a statewide plan, which, in metropolitan areas, is developed in cooperation with affected MPOs. Additionally, metropolitan plans developed under the statutory and regulatory requirements cited above in nonattainment and maintenance areas must be found by FTA/FHWA to be in conformity with State Implementation Plans (SIP)) for attaining Environmental Protection Agency ambient air quality standards. These plans form the basis for development of TIPs and STIPs, the short-range programming documents for federally-funded transportation capital investments.

A UPWP is required by 23 CFR 450.308 for all MPOs in TMAs. MPOs in urbanized areas of less than 200,000 in population, with prior approval by the State, FTA, and FHWA, may use a simplified statement of work as their planning grant application instead of developing a full UPWP. Details of the required planning processes supported by FTA and FHWA metropolitan planning funds, as required by Section 5303 of Title 49 U.S.C. and 23 U.S.C. 134, are set out in 23 CFR 450. The planning grant application is based upon a cooperative State and locally developed and endorsed UPWP and is the mechanism by which grantees request federal funding. The information contained in the UPWP is necessary to establish the eligibility of the activities for which funding is being requested.

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was signed by the President. To reflect FAST's changes to the planning provisions, FHWA and FTA jointly issued a final rule, proposing revisions to the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, State transportation plans and programs, and the congestion management process. The FHWA and FTA conducted an analysis of the additional annual burden hours of work for the States, MPOs, and providers of public transportation that are associated with their implementation of the changes to the planning process. The change to the planning process that impacts the average annual burden hours for information collection is the transition to a performance-based (statewide and metropolitan) planning and programming process.

2. Indicate how, by whom, and for what purpose the information is to be used.

Preparation of UPWPs, project listing for SP&R funding, metropolitan and statewide plans, TIPs, and STIPs are essential components of decision-making by State and local officials for planning and programming federal transportation dollars to support the priority transportation investment needs of their areas. In addition to serving as the grant application by States for FHWA and FTA planning funds in metropolitan areas, UPWPs are used by FTA and FHWA on a national scale to establish national out year budgets and regional program plans, develop policy on using funds, monitor State and local consistency with national planning and technical emphasis areas, respond to Congressional inquiries, prepare congressional testimony, and ensure efficiency in the use and expenditure of federal funds by determining that planning proposals are reasonable, cost-effective, and supportive of full compliance with all applicable federal law and regulations.

When reviewing UPWPs, FTA and FHWA evaluate:

- a. the grantee's ability to carry out the work program;
- b. the eligibility of each work task for funding;
- c. the ability of the collective work tasks to ensure full compliance with all applicable federal laws and regulations; and
- d. the inclusion of tasks reflecting areas of national planning emphasis.

Sections 5303 and 5304 of 49 U.S.C. and Sections 134 and 135 of 23 U.S.C. require the development of plans and programs in all urbanized areas and entire States respectively. After approval by the Governor and MPO, metropolitan TIPs in attainment areas are to be incorporated directly into the STIP. For nonattainment areas, as required by the Clean Air Act Amendments of 1990 (CAAA), FTA/FHWA must make a conformity finding on these areas' plans and TIPs before TIPs are incorporated into STIPs.

The complete STIP is then jointly reviewed and approved (or disapproved) by FTA and FHWA. With that action comes a joint determination, or finding, by FTA and FHWA that metropolitan and statewide planning processes are in compliance with all applicable federal laws and regulations. These planning “findings,” conformity determinations, and approval actions constitute the determination that State and metropolitan area transportation planning processes are complying with federal law and regulatory requirements - as a condition of eligibility for receiving federal-aid. Without the supporting documents, these “findings” and planning approvals cannot be made as the basis for making project-level grant awards.

Requirements of the TIP and STIP as described by 23 CFR Part 450 are:

Identification of projects - since a STIP/TIP is made up of various types of capital and non-capital surface transportation projects, from equipment acquisition to major highway and transit-way construction, it is essential that these projects be identified and described.

Estimated cost - since the STIP/TIP is the basis for subsequent programming and obligation of both Federal Aid Highway and FTA capital funds, there must be an indication of project cost and federal funds required.

Source of Federal funds - The STIP/TIP is an integrated FTA/FHWA program. Because both agencies have several statutory sources of funds, each with different eligibility requirements, it is necessary to know what projects are proposed to be funded from which fund.

Identification of the recipient - Because the STIP/TIP is an integrated program of highway and transit improvements, many potential capital grant recipients have projects included in the document. For FTA funding, it is necessary that each individual project be identified as to the likely capital grant applicant.

In nonattainment areas, the TIP must also identify and give priority to Transportation Control Measures (TCM) included in an approved State Implementation Plan (as required by the Clean Air Act) for air quality attainment and must describe how these TCMs are to be implemented. Projects included in nonattainment area TIPs must be described in sufficient detail to permit air quality analysis for the purpose of making a conformity determination.

In addition to the air quality analysis for nonattainment areas, FTA and FHWA's review of all areas must ensure that:

- a. Programmed projects are consistent with long range plans.
- b. Projects reflect the areas' priorities and are consistent with the anticipated availability of funds.
- c. The MPO and State Governor approve the metropolitan TIP and it is incorporated, without change, into the STIP.
- d. An opportunity for public comment was provided during the development of the STIP/TIP.

The STIP/TIP requirement reduces the burden to potential capital grant applicants by imposing the programming requirements at one point and setting one response to these requirements.

3. Describe to what extent the collection of information involves the use of automated or other technological collection techniques and any consideration of using information technology to reduce burden.

The SP&R program, UPWP, metropolitan and statewide plan, TIP, and STIP are adaptable to computer generation and revision. Both FTA and FHWA have extensive technical assistance programs encouraging application of computer techniques. These programs reduce burden by achieving time-savings in technical analysis, report revisions, and clerical activities through automation. The planning products that MPO's produce, including the TIP, the metropolitan plans, the STIP, and the state plans are the products of the local transportation planning process, so there is no specific format required. These documents are posted to the MPO's and State DOT's public websites so they can be made available for review and comment by the public and local elected officials and decision-makers in a manner that supports local transportation planning needs. The FTA and FHWA do not require that the planning products be submitted to FTA or FHWA in hard copy, but only that they be made available for review, and every MPO and State DOT maintains these products on their websites. Examples of these documents will be submitted into ROCIS under the supplemental section.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described.

While the transit and highway funding programs for planning and project implementation are unique to FTA and FHWA, FTA and FHWA cooperate to avoid duplication of effort. Most visible is consolidating FTA and FHWA statutory requirements for planning through the issuance of joint planning regulations. MPOs and States prepare a single set of UPWPs, plans, TIPs, and STIPs to satisfy both FTA and FHWA requirements.

The information contained in projects proposed for funding under the SP&R programs, UPWPs, metropolitan and state plans, TIPs, and STIPs are not contained in any other federally required document. However, where this information is already contained in State and local planning documents, that can be accepted, provided all FTA and FHWA requirements are met, thus further reducing any duplication and unnecessary burden.

5. Describe methods used to minimize burden on small businesses or other small entities.

The SP&R programs, UPWPs, transportation plans, STIP/TIPs, and associated data collection does not involve small businesses. However, FTA and FHWA have eliminated several significant technical and administrative requirements which permit small urbanized areas to develop work activities which meet their own needs. 23 CFR 450.308 also provides for simplified procedures and a five-year update cycle for the development of plans in metropolitan areas which are in attainment of transportation air quality standards.

6. Describe the consequences to federal program or policy activities if collection were conducted less frequently.

Less frequent data collection is not possible since it would not allow sufficiently current and accurate work descriptions and budget estimates. Furthermore, the schedules for planning documents set forth in the regulations are identical to provisions set forth in the FAST Act.

7. Explain any 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. Previous SP&R programs, UPWPs, plans, and STIP/TIPs need not be retained after revisions are made. Consequently, retention falls within the four-year requirement. The 20-year plan horizon cited in the joint planning regulations refers to an analysis period and not a record retention period.

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

FHWA and FTA have worked in partnership since June 2012 to prepare this final rule, with input from MPO's, state Departments of Transportation, transit agencies and stakeholder groups. There have been two NPRM's published in relation to this rule. In addition, FHWA and FTA hosted two national webinars with stakeholders on the content of the NPRMs. The FHWA and FTA also responded to requests for presentations at regularly scheduled meetings or conferences of national and regional professional, industry, or advocacy organizations during the comment period of both NPRMs. Those webinars and meetings provided an opportunity for FHWA and FTA to provide an overview of the NPRM and offer clarifications of selected provisions.

After reviewing the comments received in response to the two NPRMs, FHWA and FTA decided to consolidate the Planning rule and the “Additional Authorities or Planning and Environmental Linkages” rule into a single final rule. The FHWA and FTA believe that a consolidated final rule will help stakeholders understand the range of options for integrating planning and environmental review, including the pre-existing regulations for integrating planning and environmental review in sections 450.212 and 450.318, and the new section 168 authorities adopted in the final rule.

The FHWA and FTA carefully considered the comments received from the stakeholders. The comments and summaries of analyses and determinations were included in the publication of the Final Rule beginning on page 34065. The 30-Day Federal Register Notice was published on May 19, 2017 Vol. 82 No. 96 (pages 23130).

It should also be noted that SP&R programs, statewide plans, STIPs, UPWPs, metropolitan plans and TIPs have been submitted to FTA and FHWA for many years to support funding of the transportation planning and capital improvement programs for urbanized and non-urbanized areas. Continuing contact between each of FTA's grantees and FTA regional staff as well as FHWA's division office staff and State DOTs and MPOs provides opportunity for grantees to seek changes. No major problems have developed regarding this requirement. 49 CFR 106.31 provides that anyone may petition to establish, amend, or repeal a regulation. No petition has been received relative to this requirement.

While FTA and FHWA have taken every measure to lessen the burden of the statutory transportation planning requirements on MPOs and State DOTs without compromising the intent of a continuing, comprehensive, and coordinated planning process, it is clear that the development of statewide plans and STIPs and the added requirements to metropolitan plans and TIPs has resulted in some additional work for State DOTs and MPOs. FTA and FHWA have consulted (and will continue to do so) with these agencies in the development of supplemental guidance to the joint planning regulations to further lessen the burden of the statutory requirements.

9. Explain any decision to provide any payment or gift to respondents.

No payment or gift is made to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in the statute, regulation or agency policy.

There is no assurance of confidentiality given regarding submission of the information collected. The data is used for determining eligibility for receipt of grant funds and compliance with statutory requirements. All information collected is certified to comply with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108.

11. Provide any additional information for questions of a sensitive nature.

The documents do not require any information of a sensitive nature such as sexual behavior or attitudes, religious beliefs, or other matters that are commonly considered private. None of the information required is of a personal nature.

12. Provide an estimate of the hour burden of the collection of information and annualized cost to respondents.

Estimated Annual Number of Respondents: 461

Estimated Total Annual Burden Hours: 4,199,279

The following summarizes in tabular form the estimated burden hours for the collection of information for the purposes of developing and completing UPWPs, metropolitan and statewide transportation plans, and TIPS/STIPs and an explanation of the methodology used to calculate the number of hours required per submission. There are 461 entities required to submit information under this requirement which includes 52 State DOT's, and 409 MPO's. Those MPOs that are located in Urbanized Areas with a population over 200,000, and those MPO that are designated Non-Attainment areas, are required to complete additional reporting. Thus, in the following tabulations, the MPO's are differentiated by population size, and attainment vs. nonattainment/maintenance status to calculate total burden hours.

Unified Planning Work Programs (UPWPs) –

<u>Urbanized Area (UZA) Pop.</u>	<u>Number of Entities</u>	<u>Total Annual Submissions</u>	<u>Burden Hours per Submission</u>	<u>Total Annual Burden Hours</u>
Under 200,000	208	208	200	41,600
Over 200,000	<u>201</u>	<u>201</u>	300	<u>60,300</u>
TOTAL	409	409	--	101,900

Transportation Improvement Programs (TIPs and STIPs) –

<u>Total</u>	<u>Avg. of States & MPOs</u>	<u>Total Annual Submissions</u>	<u>Hours per Submission</u>	<u>Annual Hours</u>
MPOs in Attainment Areas	276	69	6,026	415,779
MPOs in Nonattainment and Maintenance Areas	133	33	22,230	739,164
State DOTs	<u>52</u>	<u>13</u>	<u>20,542</u>	<u>267,042</u>
TOTAL	461	115	--	1,421,985

Transportation Plans –

	Number of Entities	Total Annual Submission	Burden Hours per Submission	Total Annual Burden Hours
MPOs in Attainment Areas	276	55	10,886	600,884
MPOs in Nonattainment and Maintenance Areas	133	33	48,861	1,624,612
State DOTs	<u>52</u>	<u>13</u>	<u>34,608</u>	<u>449,898</u>
TOTAL	461	101	--	2,675,394

TOTAL ANNUAL BURDEN HOURS

Burden Hours

UPWPs	101,900
TIP/STIPs	1,421,985
Plans	<u>2,675,394</u>
TOTAL	4,199,279

TOTAL ANNUAL HOUR BURDEN COST³

Burden Cost w/o Overhead

UPWPs	\$ 3,320,921	
TIPs	37,639,592	
Metropolitan Plans	72,528,915	
STIPs	8,702,899	
Statewide Plans	<u>14,662,176</u>	—
TOTAL	\$136,854,503	

Estimated cost to the respondents: UPWP

The respondent's cost is the cost of the MPOs' and State agencies' staff time required to compile and produce the UPWP. UPWPs must be developed identifying work activities over the next one or two-year period. Given the complex nature of the planning requirements, we estimate that an average of 300 hours per respondent will be required by MPOs to prepare UPWPs in TMAs and 200 hours per respondent in non-TMAs. Note that although 23 CFR 450.308 allows MPOs in the 208 non-TMAs to prepare simplified statements of work, FTA and FHWA know of no MPOs that are developing such simplified statements.

Using a staff salary of \$32.59 (based on annual staff salary of \$67,780) per hour total respondent cost is estimated at \$3,320,921. Assuming a 54 percent overhead rate, the total annualized cost with overhead is estimated to be \$5,114,218.

2010 Census	TMA's	UZA's	TOTAL
UPWP	201	208	420
Annual Submittals	201	208	409
Hours per Submittal	300	200	
Total Hours	60,300	41,600	101,900
Cost per hour	\$32.59	\$32.59	
Cost	\$1,965,177	\$1,355,744	\$3,320,921
Overhead		1.54	
Total Cost with overhead			\$5,114,218

OMB has previously approved the burden on respondents to develop State (SPR) work programs under FHWA control number 2125-0039.

Estimated cost to the respondents: TIP/STIP

Metropolitan TIPs are prepared by MPOs in cooperation with the State and local public transportation operators. TIPs are required every four years; plans in nonattainment and maintenance areas must be updated and submitted to FTA/FHWA every four years and in attainment areas every five years. Although the requirements for metropolitan TIPs and plans, particularly in nonattainment areas, are complex, current burden estimates have been generated from past experiences, informal discussion with both FTA/FHWA field staff and respondents, and a comparison of recent trends in the allocation of resources by respondents to meet the requirements. We estimate that MPOs in attainment areas will spend approximately 6,026 person hours in the development of the TIP document. Furthermore, considering the more stringent requirements relating to the implementation of Transportation Control Measures in nonattainment areas and the fact that most of these areas are in the Nation's largest metropolitan areas with the most projects to program, we estimate that an average of 22,230 person hours per submission are required for these TIPs.

TIPS	Attainment TIPS	Non Attainment TIPS	Total
MPOS	276	133	409
Annual Submittals	69	33	102
Hours per Submittal	6,026	22,230	
Total Hours	415,779	739,164	1,154,943
Cost per hour	\$ 32.59	\$32.59	
Cost	\$13,550,253	\$ 24,089,339	\$ 37,639,592
Overhead (54%)		\$ 1.54	
Total Cost with overhead			\$ 57,964,972

The development by States of a STIP draws heavily on the work cooperatively done by MPOs and States in the preparation of metropolitan TIPs. This work burden has already been calculated in this section; however, to the extent that STIPs must reflect the programming of transportation projects in nonmetropolitan areas, there exists some marginal burden in the development of the overall statewide program. We estimate that burden at 20,542 person hours is required for each STIP.

STIPS	52	
Annual Submittals	13	
Hours per submittal	20,542	
Total hours	267,042	
Cost per hour	\$32.59	
Total cost		\$8,702,899
Overhead (54%)	\$1.54	
Total Cost with overhead		\$13,402,464

Total respondent burden hours for the TIP/STIP development are estimated to be 1,421,985. Total respondent cost for TIP/STIP development without overhead is estimated to be \$46,342,491. Total respondent cost for TIP/STIP development assuming a 54 percent overhead rate is estimated to be \$71,367,436.

TIPS and STIPS	
Total Hours	1,421,985
Total Cost without overhead	\$46,342,491
Total Cost with overhead (54%)	\$71,367,436

Transportation Plans

The Joint Planning Regulations require that plans in nonattainment and maintenance areas be updated and submitted to FTA/FHWA every four years and that plans in attainment areas be updated every five years. The development by States of a statewide plan draws heavily on the work cooperatively done by MPOs and States in the preparation of metropolitan TIPs and plans. This work burden has already been calculated in this section; however, to the extent that statewide plans must reflect the planning of transportation projects in nonmetropolitan areas, there exists some marginal burden in the development of the overall plan. We estimate that burden at 48,861 person hours are required for the preparation of the plan in a non-attainment area. These plans are updated every four years. We estimate that burden at 10,886 person hours are required for the preparation of the plan in an attainment area. These plans are updated every five years. Assuming an average rate of \$32.59/ hour we estimate that the respondent cost for the metropolitan plan is \$72,528,915 and for the statewide plan is \$14,662,176. These amounts are calculated below:

Metropolitan Plans

	Attainment Plans	Non Attainment Plans	Total
MPOs	276	133	209
Submittals	55	33	88
Hours per Submittal	10,886	48,861	
Total Hours	600,884	1,624,612	2,225,496
Cost per hour	\$32.59	\$32.59	
Cost	\$19,582,807	\$52,946,108	\$72,528,915
Overhead		1.54	
Total Cost with overhead			\$ 111,694,529
Statewide LRP	52		
Submittals	13		
Hours per Submittal	34,608		
Total hours			449,898
Cost per hour	\$32.59		
Cost			\$14,662,176
Overhead		1.54	
Total Cost with overhead			\$22,579,751

Total respondent burden hours for the plan development by States and MPOs are estimated to be 2,675,394. Total respondent cost for plan development without overhead is estimated to be \$87,191,091. Total respondent cost for plan development assuming a 54 percent overhead rate is estimated to be \$134,274,280.

Metropolitan and Statewide Plans	
Total Hours	2,675,394
Total Cost without overhead	\$87,191,091
Total Cost with overhead	\$134,274,280

13. Provide estimate of annualized cost to respondents or record keepers resulting from the collection of information (not including the cost of any hour burden shown in Items 12 and 14).

There are no capital or start-up costs associated directly with the collection of information required by the UPWPs, TIPs/STIPs, and plans. Any capital equipment used to provide this information in most cases would have been purchased to carry out general transportation and air quality planning activities. The total annual overhead (operation and maintenance costs) of providing the requested information is \$73,901,431 as calculated in the table below:

Total Annual Burden Costs			
	w/overhead	w/o overhead	Overhead Costs

Tasks	Total Burden Cost	Total Burden Cost	
UPWP	\$ 5,114,218	\$ 3,320,921	\$ 1,793,297
TIP's	\$ 57,964,972	\$ 37,639,592	\$ 20,325,380
Metropolitan Plans	\$ 111,694,529	\$ 72,528,915	\$ 39,165,614
STIPS	\$ 13,402,464	\$ 8,702,899	\$ 4,699,565
Statewide Plans	\$ 22,579,751	\$ 14,662,176	\$ 7,917,575
	\$ 210,755,934	\$ 136,854,503	\$ 73,901,431

Total Annual Burden Costs including Performance Based Planning (15% increase)			
	w/overhead	w/o overhead	Overhead Costs
Tasks	Total Burden Cost	Total Burden Cost	
UPWP	\$ 5,881,351	\$ 3,819,059	\$ 2,062,292
TIP's	\$ 66,659,718	\$ 43,285,531	\$ 23,374,187
Metropolitan Plans	\$ 128,448,708	\$ 83,408,252	\$ 45,040,456
STIPS	\$ 15,412,834	\$ 10,008,334	\$ 5,404,500
Statewide Plans	\$ 25,966,713	\$ 16,861,502	\$ 9,105,211
	\$ 242,369,324	\$ 157,382,678	\$ 84,986,646

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

a. Cost to the federal government: UPWP

The UPWP is a required statement of proposed planning activities to be undertaken by MPOs, in cooperation with States and public transportation operators, which forms the basis for FTA and FHWA to make funds available to State DOTs for financing the proposed work.

MPOs submit a UPWP at least biennially (although in practice most MPOs submit UPWPs annually). The federal government's cost is limited to the cost of FTA and FHWA staff time required in consultation with the MPOs and State DOTs during preparation of the UPWP and in reviewing the document or negotiating any revisions that may be necessary. This effort is done by FTA and FHWA field staff and is estimated to require about 10 hours to review each UPWP per year. At an average hourly rate of \$50.78 for GS-13 staff, the annual federal cost of reviewing UPWPs for TMAs, including overhead, is estimated to be approximately \$207,690 and is calculated as follows:

- 409 submissions x 10 hours per submission = 4,090 hours
- 4,090 hours x \$50.78 hour = \$207,690

Please note that each State DOT also submits a statewide planning work program, which serves as the basis of the State's application for federal financial assistance for planning activities. Typically, a State's work program incorporates UPWPs with less detailed work plans developed by MPOs in urbanized areas below 200,000 population in cooperation with the State and local public transportation operators. The statewide work program also describes the planning activities to be undertaken in rural areas and other activities. The

information collection requirements of the State work program have been previously approved by the Office of Management and Budget under FHWA control number 2125-0039.

b. Cost to the federal government: Metropolitan TIPs/Plans

Each of the nation's 133 MPOs in nonattainment and maintenance areas submits to FTA/FHWA their plans and TIPs for conformity determinations. Plans and TIPs in other areas are submitted for informational purposes. We estimate that the reviews of these documents in the 276 attainment areas consume a minimum of 20 hours per submission. Furthermore, FTA and FHWA must make a joint conformity finding for any new or amended TIP and for new or updated plans in the approximately 133 nonattainment and maintenance areas nationally for ozone, carbon monoxide, and PM₁₀. We estimate that this conformity determination will take an additional 20 hours per finding.

Transportation Improvement Programs (TIPs)

TIPs are required to be submitted at least every four years; however, they may be amended at any time. We estimate that each amendment requires 5 person hours of FTA and FHWA staff time. FTA and FHWA may also be required to make new conformity findings for nonattainment and maintenance area TIP amendments. We estimate that perhaps 50 percent of all TIPs will be amended, and that, consequently, 50 percent of nonattainment area TIPs may be subject to more than one conformity finding every four years.

Given the above, we estimate that with an average grade of GS-13 (\$50.78 per hour), the annual federal cost, including overhead, is \$173,160 for TIP reviews and amendments as determined by the following:

- 409 TIP submissions every four years = 102 submissions/year
- 102 submissions x 20 hours x \$50.78 = \$103,591
- 50 percent TIP amendments every year = 51 submissions/year
- 51 amendments x 5 hours x \$50.78 = \$12,949
- 133 conformity findings every four years = 33.25 findings/year
- 33.25 findings x 20 hours x \$50.78 = \$33,769
- 50 percent conformity findings for TIP amendments in nonattainment areas every year = 30 additional conformity findings/year.
- 30 findings x 15 hours x \$50.78 = \$22,851
- Total annualized cost = \$103,591 + \$12,949 + \$33,769 + \$22,851 = \$173,160

Metropolitan Plans

Plans in the 133 nonattainment areas must be updated and reviewed every four years and in the 276 attainment areas every five years. The annual federal cost for reviewing metropolitan plans is \$123,598 and is determined by the following:

- 276 attainment plan submissions every five years = 55.2 submissions/year
- 55.2 submissions x 20 hours x \$50.78 = \$56,061
- 133 nonattainment area plan submissions every four years = 33.25 submissions/year
- 33.25 submissions x 40* hours x \$50.78 = \$67,537

- Total annualized cost = \$56,061 + \$67,537 = \$123,598
*20 hours for basic review and 20 hours for conformity finding = 40 hours

c. STIP/State Plan

Statewide Transportation Improvement Programs (STIPs)

The STIP is the financially constrained program of an entire State's FTA- and FHWA-funded (and other significant) transportation projects. It includes, either directly or by reference, TIPs prepared by MPOs for metropolitan areas. When included directly, the review of a TIP may occur within the context of a STIP submission, although FTA and FHWA must make a separate conformity determination on all TIPs in nonattainment areas before these TIPs can be included in the STIP (see 14b). Review and approval of the STIP, then, basically consists of the sum total of metropolitan TIP reviews (as described in 14b) plus reviews of programmed projects in rural areas and the statewide public participation process.

The FTA/FHWA review of the STIP is estimated at 20 person hours and of STIP amendments at 5 person hours. Although STIPs must be submitted a minimum of every four years, they may be amended at any time. Estimating that 50 percent of STIPs will be amended, the federal cost, including overhead, of STIP approvals is \$14,853, and is computed as follows:

- 52 STIP submissions every four years = 13 submissions/year.
- 13 submissions x 20 hours x \$50.78 = \$13,203
- 50 percent STIP amendments every four years = 6.5 additional findings/year
- 6.5 findings x 5 hours x \$50.78 = \$1,650
- Total annualized cost = \$14,853

Statewide Plan

The statewide plan requirement was continued under the FAST Act. The statewide plan is a required product of each of the 50 States, Puerto Rico, and the District of Columbia. The portion of the plan in metropolitan areas is to be developed in cooperation with MPOs. The review of this portion of the statewide plan occurs during the review of the metropolitan plan (see 14b for burden estimates). Review of the overall statewide plan is estimated at 10 hours.

23 CFR 450, Section 214 requires that statewide plans be “periodically updated.” Assuming a reasonable update cycle of 5 years, the cost of the federal government of statewide plan review is estimated at \$5,281.

- 52 plan submissions every five years = 10.4 submissions/year
- 10.4 submissions x 10 hours x \$50.78 = \$5,281
- Total annualized cost = \$5,281

15. Explain the reasons for any program changes or adjustments reported to the OMB.

This justification includes estimates of burden hours and costs to complete the major planning products required by final rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning published on May 27, 2016. The estimates included in this justification reflect the estimates of burden hours developed for the Regulatory Impact Analysis (RIA) prepared as part of the final rule for the Metropolitan Transportation Planning Program and the Statewide and Nonmetropolitan Planning Program to implement provisions of the Moving Ahead for Progress in the 21st Century Act.

16. Outline plans for tabulation and publication and address any complex analytical techniques that will be used.

There are no plans for publishing the results or contents of the UPWPs, plans, or TIPs submitted or for any tabulation or statistical analysis.

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

Not applicable.

18. Explain each exception to the certification for Paperwork Reduction Act submissions of OMB Form 83-I.

Not applicable.