

U.S. Department of Transportation
Federal Transit Administration
Supporting Statement for Paperwork Reduction Act Submissions
Public Transportation Safety Certification Training Program
OMB CONTROL NO. 2132-0578

JUSTIFICATION

The purpose of this request is to seek Office of Management and Budget (OMB) approval for the information collection associated with the Public Transportation Safety Certification Training Program (PTSCTP) final rulemaking. The notice of proposed rulemaking (NPRM) for the published in the Federal Register on December 3, 2015 (80 FR 75639).). In accordance with the Paperwork Reduction Act (PRA), FTA submitted an information collection request (ICR) at that time and OMB filed comment on the associated ICR on January 19, 2016. OMB filed comment on the proposed rule on January 19, 2016 and assigned OMB control number 2132-0578 "Public Transportation Safety Certification Training Program (PTSCTP)"

1. Circumstances Making the Collection of Information Necessary

The Federal Transit Administration (FTA) is establishing requirements for the PTSCTP with this final rule. The PTSCTP is authorized pursuant to 49 U.S.C. § 5329(c)(1) and replaces the interim certification training requirements developed pursuant to 49 U.S.C. § 5329(c)(2). This final rule provides minimum training requirements for the following: 1) State personnel and their contractor support who conduct safety audits and examinations of public transportation systems; and 2) public transportation agency personnel who are directly responsible for public transportation system safety oversight, referred to in this supporting statement as rail transit agencies (RTAs). Both are recipients of FTA grant funding and compliance with this rule is now a grant condition.

This final rule adds a new Part 672, Public Transportation Safety Certification Training Program, to Title 49 of the Code of Federal Regulations. Although not subject to this rule, pursuant to 49 U.S.C. § 5329(c)(1), FTA personnel and contractors who conduct safety audits and examinations of rail public transportation systems will adhere to applicable SSOA training requirements. This final rule prescribes minimum training requirements for State Safety Oversight Agency (SSOA) personnel and contractors who conduct safety audits and examinations of public transportation systems. The rule also provides minimum training requirements for RTA personnel who are directly responsible for safety oversight of public transportation systems. To comply with 49 U.S.C. § 5329(c)(1), designated personnel are required to register for the PTSCTP and request an individual training plan (ITP) at: <https://www.transit.dot.gov/regulations-and-guidance/safety/safety-training>. FTA then issues an ITP with a curriculum associated with his or her job category. That is either conducting safety audits and examinations, or directly responsible for safety oversight of a public transportation system. Following registration, participants enroll in courses specific to their curricular. In those circumstances where a participant has already completed training that may be equivalent to a PTSCTP requirement from an entity other than FTA, the participant may request that FTA

evaluate the training. The evaluation request is effected by submitting the following to FTA: an official transcript or certificate of the training; a description of the curriculum and competencies obtained; and a brief statement detailing how the training or certification satisfies the applicable PTSCTP requirement. If FTA determines the training satisfies a PTSCTP requirement, the participant is provided appropriate credit and waived from having to repeat the training. Recipients are required to self-certify compliance with 49 CFR part 672 annually. Additionally, SSOAs are required to maintain training records for its designated personnel for a five-year period.

2. 11Purpose and Use of the Information

It is necessary for FTA to collect information for this program to ensure that SSOA and RTA recipients are complying with the prescribed training requirements by ensuring their designated personnel are receiving training that assist with enhancing technical and professional proficiency in performing safety oversight functions. FTA will use the information collected to monitor implementation of the PTSCTP. Certain information collected may be disseminated to recipients or FTA program managers to encourage and ensure participation by designated personnel is achieved within the prescribed 3-year certification period. FTA will disseminate any information associated with the PTSCTP to the general public.

3. Use of Information Technology and Burden Reduction

FTA requires transit agencies and States to submit annual certifications and assurances to FTA to ensure compliance with this Final Rule. Transit agencies and States may generate and use any processes desired, but submissions and compliance would not require information technology that is more complex than a word processing or spreadsheet file.

FTA uses information technology, particularly electronic record keeping for PTSCTP registration. In compliance with both the requirements of the Paperwork Reduction Act and Government Paperwork Elimination Act (GPEA), FTA utilizes 100% electronic entry and participation in the PTSCTP. Initial information will be collected on a one-time basis as participants register for the program. All participants will utilize FTA's electronic registration process to request an ITP and register for required coursework. Additionally, participants will be able to correspond with FTA via electronic mail when requesting evaluation of such training. Data and information collected will be entered, stored, transmitted, and circulated electronically, both internal to the agency and in external communications from FTA to recipients. If technical assistance is warranted, FTA may provide support through either electronic or telephonic forms of technology. FTA's Transit Awards Management System (TrAMS) will be used by RTAs and SSOAs to submit electronic certification and assurances that they are complying with the final rule in accordance with established policies and procedures. TrAMS is already in use by all of FTA grantees, so there is no additional burden associated with the use of this system.

4. Efforts to Identify Duplication and Use of Similar Information

Congress authorized the PTSCTP to enhance the technical and professional competencies of those charged with safety oversight responsibilities for public transportation systems. The

PTSCTP implements federal training requirements mandated by Congress and 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 in other rules that in some cases have some overlap for required participants. However, tasks associated with each information collection have been designated in the appropriate rule and are not duplicated with this request. Specifically, the PRA justification for the State Safety Oversight Rule (49 CFR part 674) contain training costs and burdens associated with PTSCTP requirements for SSOAs. The estimates associated with this rule do not include training costs and burdens already captured in that rule published March 16, 2016 (81 FR 14230).

5. Impact on Small Businesses or Other Small Entities

The requirements of this rule apply only to SSOAs and RTAs; recipients such as bus transit systems or ferry systems are not required to participate in the PTSCTP. In an effort to minimize burden on all participants, FTA will maintain electronic records of participants and make the records available to them electronically. This process will assist recipients with monitoring the progress of designated personnel and assist with their annual self-certification requirement. Additionally, FTA will continue to develop and offer e-Learning courses as part of the PTSCTP online curriculum.

6. Consequences of Collecting the Information Less Frequently

If this information were not collected or collected less frequently, FTA would be unable to fulfill the statutory requirements of 49 U.S.C. § 5329 (c)(1). FTA has limited the information collection requirements to implement the PTSCTP to those that are essential for ensuring compliance with the rule. The initial collection allows FTA to determine the level of adherence to PTSCTP requirements. Additionally, uploading certificates and technical training plan proposals is critical to evaluating SSOA and RTA personnel abilities to conduct effective safety oversight. Without the information collection requirements stated in this document, FTA would be unable to adequately determine compliance with program requirements; thus, adversely affecting the funding status of recipients. FTA considers this rule and the collection of information to be a critical element of its goal of advancing public transportation safety.

7. Special Circumstances that Require the Collection to be Conducted in a Manner Inconsistent with OMB Guidelines

There are no special circumstances within this final rule that require the collection of information inconsistent with any OMB guidelines.

8. Comments in Response to the Federal Register Notices and Efforts to Consult Outside Agencies

FTA published an NPRM to this rulemaking in the Federal Register on December 3, 2015 (<https://www.gpo.gov/fdsys/pkg/FR-2015-12-03/pdf/2015-30466.pdf>). The information collection requirements in this supporting statement were included in the NPRM. There were no comments on the proposed information collection noted in the NPRM. However, for the final rule, FTA has updated the hourly wage rate associated with burden hours because 2015 rates were used for the NPRM. The burden hours associated with the information collection remain the same but the cost has increased as noted in the table below.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift is made to respondents.

10. Assurance of Confidentiality Provided to Respondents

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 recipients.

11. Justification for Sensitive Questions

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

12. Estimates of Hour Burden Including Annualized Hourly Costs

Total Annual Respondents: 90 respondents (30 SSOAs that conduct audits and examinations of public transportation systems and 60 public RTAs with designated personnel who are directly responsible for safety oversight of their systems).

Total Annual Responses: 1020

Total Annual Burden Hours: 5,118

Total Annual Burden Cost: \$ \$440,710.98

The information collection requirements in this supporting statement were included in the NPRM published on December 3, 2015. The wage rate of \$40.84 used in the NPRM was based on information from 2013 Bureau of Labor Statistics (BLS) data. For the final rule, the burden hours remain the same as noted in the NPRM; however, FTA has revised the hourly wage rate upward to \$86.11 to better reflect more recent average labor rates including benefits within the public transportation sector (https://www.bls.gov/news.release/archives/ecec_03172017.pdf). The revised rate is based on 2016 BLS data on average wages for transit managers, including an adjustment for benefits and other employee compensation costs. Specifically, Occupational Employment Statistics for Urban Transit Systems (485100), General and Operations Managers (11-1021), March 2017. The average hourly wage of \$55.18 was multiplied by a benefits adjustment of 1.5605.

The estimated time to fulfill each requirement are as follows:

Rail Transit Agency (RTA) Annual Burden Table:

CFR Section	Total Annual RTA's Respondents	Total Annual Responses	Total Annual Burden Hours	Annual Cost Burden
672.1 Purpose	0	0	0	\$0.00
672.3 Scope and Applicability	0	0	0	\$0.00
672.5 Definitions	0	0	0	\$0.00
672.13 Designated Personnel of Public Transportation Agencies - RTAs	60	60	180	\$15,499.80
672.15 Evaluation of prior training	60	241.5	965	\$83,096.15
672.21 (a) Records (<i>all recipients</i>)	60	60	121	\$10,419.31
672.23 Availability of Records	60	241.5	795	\$68,457.45
672.31 (all recipients)	60	60	181	\$15,585.91
Note: Wage rate = \$86.11				
Total		663	2242	\$193,058.62

State Safety Oversight Agency (SSOA) Annual Burden Table:

CFR Section	Total Annual RTA's Respondents	Total Annual Responses	Total Annual Burden Hours	Annual Cost Burden
672.1 Purpose	0	0	0	\$0.00
672.3 Scope and Applicability	0	0	0	\$0.00
672.5 Definitions	0	0	0	\$0.00
672.11 Designated Personnel who conduct safety audits and examinations - SSOAs	30	30	60	\$5,166.60
672.15 Evaluation of prior training	30	119	475	\$40,902.25
672.21 (a) Records (<i>all recipients</i>)	30	29	59	\$5,080.49
672.21 (b) SSO requirement	30	30	1800	\$154,998.00
672.23 Availability of Records	30	119	392	\$33,755.12
672.31 (all recipients)	30	30	90	\$7,749.90
Note: Wage rate = \$86.11				
Total		357	2876	\$247,652.36

13. Estimate—Total Annual Cost Burden to Respondents/Recordkeepers

There are no additional cost beyond what is shown in question 12 above.

14. Annualized Cost to the Federal Government

We estimate the annualized cost to the Federal government to be approximately \$1,422,204 as noted in the table below.

Federal Salaries and Benefits	\$ 210,212
Contract Services	\$ 368,000
Equipment, Supplies, Space, Other	\$ 58,260
Travel (Other than Course Delivery)	\$ 13,800
Course Delivery	\$ 462,866
ADD: TSI Indirect @ 19%	\$ 211,496
Est. Materials Fee Recovery	\$ 97,570
Total	\$ 1,422,204

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. There were no changes to the number of respondents or burden from the NPRM stage to the Final Rule. However, as noted above, the hourly wage rate was updated.

16. Plans for Tabulation and Publication and Project Time Schedule

FTA does anticipate reporting on the progress of the industry in aggregate to Congress; however, FTA does not plan to publish training program data.

17. Reason(s) the Display of OMB Expiration Date is Inappropriate

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

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.