

**INFORMATION COLLECTION
SUPPORTING STATEMENT – PART A
TRANSPORTATION INFRASTRUCTURE FINANCING AND
INNOVATION ACT (TIFIA) COLLECTION ACTIVITY**

1. CIRCUMSTANCES THAT MAKE THE COLLECTION NECESSARY. The Transportation Infrastructure Finance and Innovation Act of 1998 (the “TIFIA Act”) was enacted as part of TEA-21 (Public Law 105-178, §§1501-04), as amended in 1998 by the TEA-21 Restoration Act (Title IX of Public Law 105-206), was further amended in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59), was amended and restated in 2012, by the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141), and most recently, was amended in 2015 by the Fixing America’s Surface Transportation (FAST) Act (Public Law 114-94). The TIFIA Act is codified within sections 601 through 609 of Title 23 of the United States Code (45 U.S.C. §§ 601-609), with supporting regulations appearing in part 80 of Title 49 of the Code of Federal Regulations (49 C.F.R. § 80). The purpose of the TIFIA program is to provide Federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to eligible surface transportation projects.

The Railroad Rehabilitation and Improvement Financing (RRIF) program was created in 1998 by the TEA-21 amendments (§7203 thereof) to a predecessor loan and loan guarantee program from the 1970s set forth in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), and was amended in 2005 by SAFETEA-LU, was further amended in 2008 by the Rail Safety Improvement Act of 2008 (Public Law 110-432), and most recently, was amended in 2015 by the FAST Act. The RRIF program is codified within sections 821 through 823 of Title 45 of the United States Code (45 U.S.C. §§821-823), with supporting regulations appearing in part 260 of Title 49 of the Code of Federal Regulations (49 C.F.R. §260). The purpose of the RRIF program is to provide Federal credit assistance in the form of direct loans and loan guarantees to eligible rail projects.

SAFETEA-LU and MAP-21 each require the Secretary of the Department of Transportation (the Department) to evaluate applicants for the RRIF and TIFIA programs, respectively, against applicable statutory requirements. In order to satisfy these requirements, the Department must collect an application from applicants seeking funding. The relevant sections of SAFETEA-LU and MAP-21 are attached hereto as Exhibit A-1 and A-2, respectively. Amendments to the credit programs by subsequent legislation has not repealed these requirements. However, the FAST Act directed the Secretary to establish the National Surface Transportation and Innovative Finance Bureau (referenced hereafter as the Build America Bureau or the Bureau) in order to, among other things, administer the application processes for the RRIF and TIFIA programs. The relevant sections of the FAST Act are included in Exhibit A-3.

The Department currently collects information relating to the RRIF and TIFIA programs through two distinct information collection activities. The information collection activity for the RRIF credit program application was most recently approved in 2015 (OMB Control Number 2130-0548). *See* 80 FR 11518 and 80 FR 27228. The existing information collection activity for the TIFIA credit program letter of interest and

application was most recently approved in 2017 (OMB Control Number 2105-0569). See 82 FR 15101 and 82 FR 25045.

To streamline and conform these application processes, the Bureau seeks to integrate the submission forms to create a single LOI form and a single application form that can be used by applicants of either credit program. The integrated forms substantially conform to the LOI and application forms approved under OMB Control Number 2105-0569. The Department seeks OMB approval to integrate the RRIF ICR into the TIFIA ICR. The integrated information collection activity would retain OMB Control Number 2105-0569 and the RRIF ICR would be discontinued if the integrated RRIF/TIFIA ICR is approved.

2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED AND CONSEQUENCES IF THE INFORMATION IS NOT COLLECTED. The Bureau currently administers the RRIF and TIFIA application processes. The letter of interest (the form of which is attached hereto as Exhibit B-1) and application (the form of which is attached hereto as Exhibit B-2) collected through this solicitation will be used by the Department to evaluate applications for credit assistance under the RRIF and TIFIA eligibility requirements.
3. CONSIDERATION OF IMPROVED INFORMATION TECHNOLOGY. With this revised letter of interest form, the Department seeks to accept all letters of interest electronically. As the Bureau implements a more streamlined process for administering RRIF and TIFIA applications, the Bureau will put into place a process by which applications can be submitted to the Bureau electronically by a secure FTP site with access limited to applicants in order to address privacy concerns. The Department will continue to allow project sponsors that do not have access to technology allowing them to utilize the FTP site to submit physical copies of letters of interest and application.
4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. Letters of interest and applications will generally be project specific and financial information, in particular, must be current. However, at the applicant's discretion, relevant materials provided previously to a Department agency in support of a different Department discretionary program may be referenced and described as unchanged. For example, environmental documentation created for a project for another Departmental program can be referenced in a letter or interest or application, rather than attached, and need not be refreshed or supplemented except as required by law.
5. METHODS USED TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES. The integrated application documents have been streamlined and modernized to ensure that the Department collects only information necessary to evaluate applications against RRIF or TIFIA criteria. The documents are interactive, allowing for pull-down menus indicating a universe of correct responses. A checklist is provided with the application form to ensure project sponsors can organize their submissions. Additionally, the documents refer regularly to the credit programs guide for further explanation of concepts. Finally, the Bureau is available to provide technical assistance to project sponsors applying for credit assistance.
6. CONSEQUENCES IF INFORMATION WAS NOT COLLECTED OR COLLECTED LESS FREQUENTLY. The Department will be unable to satisfy its statutory mandate to receive

letters of interest and applications if the collection is not conducted, which means that RRIF and TIFIA credit assistance will not be available. In order to provide credit assistance to eligible projects, which is the purpose of these programs, the Department must collect letters of interest and applications that respond to the eligibility requirements.

7. SPECIAL CIRCUMSTANCES THAT REQUIRE THE COLLECTION TO BE CONDUCTED IN A MANNER INCONSISTENT WITH 5 CFR 1320.6. This collection of letters of interest and applications will not require respondents to report information to the Department more often than quarterly. Each letter of interest and application is a one-time submission from each applicant.
8. EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS. The Department has published a Federal Register notice soliciting public comment with a 60-day period to receive comments. The Department published this notice (Exhibit C-1) on May 21, 2018, and when the comment period closed on July 20, 2018 (83 FR 23525), the Department had received only one comment, which was unrelated to the information collection (Exhibit C-2). A 30-day notice was published on July 26, 2018 (83 FR 35534).
9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS. The Department will not provide any payment or gift to respondents, including remuneration of contractors or grantees.
10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED RESPONDENTS. DOT cannot offer an assurance of confidentiality to any applicant. If an applicant desires that any information submitted in its letter of interest or application or any supplementary material not be released by the Department upon request from a member of the public or otherwise made publicly available, the applicant is directed to state so and directed to provide reasons why such information is confidential business information and should not be released, including particulars as to any competitive harm which would potentially result from the release of such information. The Department will handle requests from the public for release of information under its standard Freedom of Information Act procedures.
11. ADDITIONAL JUSTIFICATION FOR QUESTIONS OF A SENSITIVE NATURE. The evaluation process for credit assistance requires that applicants submit some confidential, proprietary information to the Bureau. Evaluating an applicant's financial condition and the creditworthiness of the project requires certain sensitive or non-public information.
12. ESTIMATE OF THE TOTAL ANNUAL HOUR BURDEN OF THE COLLECTION TO RESPONDENTS. Based on the number and type of interested stakeholders that have contacted the Department about the RRIF and TIFIA programs in fiscal years (FY) 2015 - 2018, the Department estimates that it will receive, on an annual basis, eight (8) RRIF letters of interest, twelve (12) TIFIA letters of interest, eight (8) RRIF applications, and twelve (12) TIFIA applications. The Department estimates that it will generally take applicants not fewer than twenty (20) person-hours to assemble a single letter of interest (for either credit program) and not fewer than one hundred (100) person-hours to assemble a single application (for either credit program). These estimates are consistent with the approved information collection request TIFIA under OMB Control Number 2105-0569. Based on the anticipated annual total number of respondents, the total annual

hour burden of this collection for RRIF LOIs and applications is 960 and for TIFIA LOIs and applications is 1,440 hours.

	RRIF Responses	TIFIA Responses	<u>Time to prepare each response</u>	<u>Calculation</u>
Letter of Interest (LOI)	<u>8</u>	<u>12</u>	<u>20 hours</u>	<u>8+12 = 20 X 20 = 400</u>
<u>Application</u>	<u>8</u>	<u>12</u>	<u>100 hours</u>	<u>8+12 = 20 X 100 = 2000</u>
<u>Total</u>				<u>400 + 2000 = 2400</u>

13. ESTIMATE OF TOTAL ANNUAL COST BURDEN TO RESPONDENTS. As noted above, the estimated total annual hour burden on respondents of this one-time collection of applications and letters of interest is 1,440 labor hours. Various respondent personnel are involved in the development of an application, but there are no additional direct cost burdens beyond the hourly estimate above.
14. ESTIMATE OF THE ANNUALIZED COST TO THE FEDERAL GOVERNMENT. The estimated annualized cost to the Federal government of this request for letters of interest and applications is \$315,675. This cost reflects the cost of an evaluation team to review each letter of interest and application and make recommendations about which projects are eligible to receive credit assistance. The Department currently estimates that ten people from various agencies in the Department will need to review the applications and letters of interest. The evaluation process takes approximately three months for each letter of interest and application, which is the equivalent of two and one-half job years. The estimated pay for the evaluation team members is approximately \$125,000 per year, so the estimated annualized cost to the Federal government for the evaluation team is \$312,500. The Department does not expect to need any special equipment or support, other than printing. As noted above in item 12, the Department expects not more than 20 letters of interest and 20 applications. If each letter of interest is 10 pages and each application is 25 pages would, the Department may need to print as many as 700 pages for each of the ten persons reviewing the application and letter of interest, which adds up to a total of 7,000 pages of printing. (While it is possible that some of the members of the evaluation team will review electronic versions of the applications, for the purpose of this estimate we assume that all members will review hard

copies of all applications.) The Department's printing costs are approximately 1 cent per page, which adds up to a total printing cost of \$70.

As the Bureau implements a more streamlined process for administering TIFIA applications, the Bureau will be able to reduce the number of persons needed to review each letter of interest and application, thereby reducing the annualized cost to the Federal government.

15. EXPLAIN REASONS FOR CHANGES IN BURDEN. The change in burden is a reduction. This reduction resulted from integrating and streamlining the application documents to more clearly describe what is being requested and request only information required to evaluate applications in accordance with statutory criteria. The number of pages is reduced and the number of pages to be submitted should be reduced. In many cases, a hyperlink to pertinent information is requested to be provided rather than a separate document to be attached to the application. Finally, a credit programs guide (see Exhibit D) has been published to the Build America Bureau's web page on the Department's web site that explains the application processes for each program and the types of information that is needed. All of these efforts should reduce the burden on the project sponsor applying for credit assistance.
16. PLANS FOR TABULATION AND PUBLICATION. The letters of interest and applications collected for the RRIF and TIFIA programs will not be published.
17. IF SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL, EXPLAIN THE REASONS. The Department will display the expiration date for OMB approval of the information collection.
18. EXPLAIN ANY EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19 OF OMB FORM 83-I. The Department does not request any exceptions to the certification statement.