

Transportation Performance Management Performance Biennial Reports

The Supporting Statement

Introduction: This supporting Statement represents a new request for Transportation Performance Management Performance Biennial Reports to be collected by the Department of Transportation according to the United States Code Title 23 section 150(e) and 23 CFR 490.107. These reports are to be collected every two years from State DOTs.

Part A. Justification.

1. Circumstances that make collection of information necessary:

The MAP-21 (Pub. L. 112-141) and FAST Act (Pub. L. 114-94) transformed the Federal-aid highway program by establishing new requirements for transportation performance management (TPM) to ensure the most efficient investment of Federal transportation funds. Prior to MAP-21, there were no explicit requirements for State DOTs to demonstrate how their transportation program supported national performance outcomes. State DOTs were not required to measure condition or performance, establish targets, assess progress toward targets, or report on condition or performance in a nationally consistent manner that FHWA could use to assess the entire system. It has been difficult for FHWA to examine the effectiveness of the Federal-aid highway program as a means to address surface transportation performance at a national level without States reporting on the above factors. The new TPM requirements change this paradigm and require states to measure condition or performance, establish targets, assess progress towards targets, and report on condition or performance biennially (23 USC 150 (e) and 23 CFR 490.107). These Biennial Reports will allow the assessment of progress in a consistent manner nationally.

For the purposes of this data collection effort, we are only evaluating the State DOT costs of preparing and submitting the biennial reports required by 23 CFR 490.107, and the Federal Government cost of assessing if State DOT's have achieved significant progress toward meeting their targets as required by 23 CFR 490.109. The reports contain information such as: transportation condition and performance targets, a discussion of the basis for those targets, progress toward targets, a historic baseline, discussion of coordination efforts, reports on freight bottlenecks, other information applicable or relevant to specific State or region.

As part of the rulemaking¹ implementing the MAP-21 and FAST Act requirements, FHWA evaluated all of the requirements of the individual rules in regulatory impact assessments (RIA)². The regulatory analysis estimates the economic impact, in terms of cost and benefits, on Federal, State, and local governments, as well as private entities required by E.O. 12866 and E.O. 13563 to inform policy makers and the public on the relative worth of the proposed rule. The cost for the biennial reporting identified in this Statement come from those detailed RIA analysis. The RIAs estimated the average annual reporting burden at 2,128 hours annually per State DOT for compiling, organizing, presenting data, and submitting the report. The Federal Government cost to assess significant progress is identified as a total cost of \$181,119 annually.

¹ 2nd National Performance Management Measures Rule (PM2): Assessing Pavement Condition for National Highway Performance Program and Bridge Condition for National Highway Performance Program; Assessing Performance of National Highway System, etc. (RIN: 2125-AF53) <https://www.regulations.gov/contentStreamer?documentId=FHWA-2013-0053-0222&contentType=pdf>

³rd National Performance Management Measures Rule (PM3): Assessing Performance of National Highway System, Freight Movement on Interstate System, and Congestion Mitigation and Air Quality Improvement Program (RIN 2125-AF54) <https://www.regulations.gov/contentStreamer?documentId=FHWA-2013-0054-8287&contentType=pdf>

² PM 2 Rule RIA. Docket FHWA-2013-0053. Document ID: FHWA-2013-0053-0223 <https://www.regulations.gov/docket?D=FHWA-2013-0053>

PM 3 Rule RIA. Docket FHWA-2013-0054. Document ID: FHWA-2013-0054-8286 <https://www.regulations.gov/docket?D=FHWA-2013-0054>

The costs associated with collecting, analyzing and reporting the data required to develop the targets and baseline information is already covered by existing OMB Clearances and have reference numbers for those clearances as follows: HPMS information collection, OMB No. 2125-0028 with an expiration of May 31, 2019; NBI, OMB No. 2125-0501 with an expiration date of August 31, 2021; CMAQ Program OMB 2125-0614 with an expiration date of August 31, 2018. The cost of State DOT and MPO coordination, and MPO reporting is covered under Planning OMB No. 2132-0529 with an expiration date of August 31, 2020.

2. How, by whom, and for what purpose is the information used:

The information being requested in the TPM Biennial Reports will be provided to the DOT in an electronic format through an online data form called the Performance Management Form (PMF). State DOTs shall prepare and submit the PMF form.

The DOT-FHWA Office of Infrastructure will receive these reports. The reports will specifically be used to meet the legal reporting requirements of 23 USC 150 (e) and 23 CFR 490.107, and collect the data necessary for the Federal Government to assess significant progress toward targets (23 CFR 490.109).

3. Extent of automated information collection:

This collection will be distributed electronically and 100% of the responses will be provided in an electronic format through an online data form called the Performance Management Form (PMF), which has been incorporated into the UPACS system.

4. Efforts to identify duplication:

The Transportation Performance Management Performance Biennial Reports has never been collected by the DOT. This will be the first and only report of its kind.

5. Efforts to minimize the burden on small businesses:

Small businesses are not impacted by this data collection.

6. Impact of less frequent collection of information:

23 USC 150 (e) and 23 CFR 490.107 require biennial data collection. A less frequent collection is not allowed by law.

7. Special circumstances:

The first data collection is required to be completed by October 1, 2018 (23 CFR 490.107(b)(1)(i)).

8. Compliance with 5 CFR 1320.8:

The FHWA published a notice of this effort in 2 separate federal register notices, which solicited public comments regarding this new information collection requirement. The federal notices were as follows: 1) Notice of Proposed Rulemaking in the Federal Register on 01/5/15, at 80 FR 326; 2) Notice of Proposed Rulemaking in the Federal Register on 4/22/16, at 81 FR 23806. There were no comments related to the collection of the biennial reports.

FHWA published a Federal Notice of this specific effort on Wednesday, May 9, 2018 Federal Register Volume 83, Number 90, Page 21338.

9. Payments or gifts to respondents:

This collection does not include and payments or gifts to respondents.

10. Assurance of confidentiality:

The Transportation Performance Management Performance Biennial Reports are for public consumption. No assurance of confidentiality applies.

11. Justification for collection of sensitive information:

No sensitive information is being collected under this statement.

12. Estimate of burden hours for information requested:

Respondents: 52 State DOTs including Washington DC and Puerto Rico.

Frequency: Every two years.

Estimated Average Burden per Response: Approximately 2,128 hours per year.

Estimated Total Annual Burden Hours: Approximately 110,656 hours annually.

For ROCIS input purposes the annual numbers will be multiplied by 2 and divided by 3 (3 years).

Estimated Average Burden per Response: Approximately 1,419 hours per year.

Estimated Total Annual Burden Hours: Approximately 73,771 hours annually.

13. Estimate of total annual costs to respondents:

Capital/Start-up Costs= \$0 State DOTs can use existing software for compiling reports internally and the FHWA PMF for submittal of the report.

Annual Reporting Cost for all 52 State DOTs= \$8,076,389

Annual Reporting Cost for an Individual State DOT: \$155,315

14. Estimate of total cost to the Federal government:

Federal Government cost to assess significant progress is a total of \$181,119 annually.

15. Explanation of program changes or adjustments:

This is a new request, there aren't any program changes.

16. Publication of results of data collection:

The results of the collection will be published the DOT external web page on an annual basis.

17. Approval for not displaying the expiration date of OMB approval:

There is no justifiable reason for not displaying expiration date.

18. Exceptions to certification statement:

DOT-FHWA is not seeking an exception to this certification statement.