

Supporting Statement for Paperwork Reduction Act Submissions

April 5, 2018

OMB Control Number: 1660 - 0112

Title: FEMA Preparedness Grants: Transit Security Grant Program (TSGP)

Form Number(s): FEMA Form 089-4; FEMA Form 089-4A; FEMA Form 089-4B

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

The Transit Security Grant Program (TSGP) is a FEMA grant program that focuses on transportation infrastructure protection activities. The collection of information for TSGP is mandated by Section 1406, Title XIV of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (6 U.S.C. §1135), which directs the Secretary to establish a program for making grants to eligible public transportation agencies for security improvements. Additionally, information is collected in accordance with *Section*

1406(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. §1135(c)) which authorizes the Secretary to determine the requirements for grant recipients, including application requirements.

The program provides funds to owners and operators of transit systems (which include intra-city bus, commuter bus, and all forms of passenger rail) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters, and other emergencies.

In addition, the information previously requested in the investment justification has been separated into two documents – the investment justification and the background document. Although there are two forms, the background document is not requesting new information as this information was previously in the investment justification.

Therefore, three forms are needed for this collection (two forms added and one form changed). The two new forms added to the collection are the investment justification background document (FEMA Form 089-4A) and the five-year security capital and operational sustainment plan (FEMA Form 089-4B). The form with changes is the investment justification (FEMA Form 089-4).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

TSGP Investment Justification, FEMA Form 089-4 - Submitted with the application, this document provides narrative detail on proposed investments. These Investment Justifications must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities and the ability to provide enhancements consistent with the purpose of the program and guidance provided by FEMA. The data from the Investment Justification (IJ) is collected to assist decision-making at all levels, although, it is primarily used by individual application reviewers. The TSGP uses a multi-phase review process. The application data, including the IJ, is evaluated by a national review panel to determine which applications are the highest-scoring and address the program priorities. The national review is comprised of a panel of officials from FEMA (headquarters and regions) and representatives of other national stakeholders such as federal agencies (e.g., Transportation Security Administration, Department of Transportation,) and national associations (e.g., American Public Transportation Association). These reviewers then determine funding for proposed activities identified in the application and IJ based on risk and potential to help achieve core missions of the grant programs.

TSGP Investment Justification Background Document, FEMA Form 089-4A– Submitted with the application, this document provides background information of the eligible grantee such as point of contact information with a summation of the overall program such as critical infrastructure, ridership data and number of vehicles. The data is collected to provide TSGP context and background of each grantee. This information will be shared with program analysts inside TSGP and the national review panel comprised of FEMA officials, federal agencies (e.g. Transportation Security Administration) and national associations.

TSGP Five-Year Security Capital and Operational Sustainment Plan, FEMA Form 089-4B – Submitted with the application, this document provides a five-year Security Capital and Operational Sustainment Plan regarding each submitted project. This plan must include how the agency proposes to implement capital projects and demonstrate how the agency will sustain the operational investments and capabilities after grant funding has been expended. Requests for Operational Packages (OPacks) will not be funded if the applicant does not have a Security Capital and Operational Sustainment Plan.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The submission of information for the FY 2018 TSGP involves the use of electronic means. Grant applicants must submit their proposals through www.grants.gov and upload the TSGP Investment Justification and all other required documents as attachments (in MS Word, Excel or other electronic format) to their TSGP application in ND Grants System at <https://portal.fema.gov>. This system is approved under OMB Control number 1660-0025, which expires on 01/31/2021. Eligible applicants must apply for funding through this portal accessible on the internet.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is not collected in any form, and therefore is not duplicated elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This information collection does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

These data collection elements are required in order to exercise comprehensive financial management and ensure the efficient and effective use of Federal funds. If FEMA was not able to receive information collected from grant recipients, the agency could not fulfill its requirement to ensure funding is provided in a fair and equitable manner to eligible entities as described in the law, to ensure that the funding is being used only for the allowable costs within the grant regulations, and to fulfill our federal monitoring requirements.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

No collection elements are required more often than quarterly. Most collection elements are only required once per year per grant application.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

There are no requirements for respondents to prepare a written response to this collection of information in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

There are no requirements for a respondent to submit more than an original and two copies of any document.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

Records must be retained for three years after grant close-out. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

There is no statistical survey involved with this data collection.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

There is no use for statistical data classification in this data collection.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

There is no pledge of confidentiality that is not supported by authority established in statute or regulation for this data collection.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no requirements for respondents to submit proprietary trade secret, or other confidential information for this data collection.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A 60-day Federal Register Notice inviting public comments was published on April 12, 2018, Volume 83 FR 15863. **No comments were received.**

A 30-day Federal Register Notice inviting public comments was published on published on October 1, 2018, Volume 83 FR 49406. **No comments were received.**

b. Describe 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.

FEMA meets with the American Public Transportation Association (APTA) national association that represents this entity, as well as individual grantees, through regular program-specific conferences and workshops. Additionally, teleconferences and e-mail communications are also used. These consultations focus on the nature of information needed by FEMA to manage the grant programs. There were no recommendations for changes received.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

FEMA consults on a regular basis with its rail, intra-city bus, ferry, and Amtrak operator stakeholders on a variety of issues. These consultations involve discussions regarding the nature of the information needed by FEMA to manage the grant programs. Partners offer comments and suggestions about their reporting practices. The most common area of concern is performance reporting, as most States are very familiar and comfortable with the grant administrative and financial reporting data elements that FEMA uses. There were no recommendations for changes received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

A Privacy Threshold Analysis (PTA) was completed by FEMA and adjudicated by the DHS Privacy Office on January 10, 2017 and is still valid.

The TSGP Investment Justification, FEMA Form 089-4 is a privacy sensitive collection requiring Privacy Impact Assessment, PIA coverage. This form is covered by an existing PIA, DHS/FEMA 013 – Grant Management Programs, approved by DHS on February 19, 2015. No Privacy Act Statement nor SORN coverage is required for the form.

There are no assurances of confidentiality provided to the respondents for this information collection.

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

considered private). This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

The TSGP is an existing grant program that uses the forms outlined in this collection. The program provides funds to owners and operators of transit systems (which include intra-city bus, commuter bus, and all forms of passenger rail) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters, and other emergencies. The burden hour estimates shown on the following pages are based upon internal and external subject matter expertise. The burden to collect the necessary information has estimated to be 5,781 total annual burden hours.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.46 and this total should be entered in the cell for “Avg. Hourly Wage Rate”. The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
State, Local, or Tribal Governments	TSGP Investment Justification/ FEMA Form 089-4	123	1	123	15 hrs.	1,845	\$47.63	\$87,877.35
State, Local, or Tribal Governments	TSGP Investment Justification Background Document / FEMA Form 089-4A	123	1	123	3 hrs.	369	\$47.63	\$17,575.47
State, Local, or Tribal Governments	TSGP Five-Year Security Capital and Operational Sustainment Plan / FEMA Form 089-4B	123	1	123	5 hrs.	615	\$47.63	\$29,292.45
State, Local, or Tribal Governments	Regional Transit Security Strategy	123	1	123	24 hrs.	2,952	\$47.63	\$140,603.76
Total		123		492		5,781		\$275,349.03

* **Note:** The “Avg. Hourly Wage Rate” for each respondent includes a 1.46 multiplier to reflect a fully-loaded wage rate.

According to the U.S. Department of Labor, Bureau of Labor Statistics Website (<https://www.bls.gov/oes/2016/may/oes333052.htm>) the wage rate category for State, Local or Tribal Government respondents as Local Transit Agency Representatives is estimated to be \$32.62 per hour, applying the 1.46 multiplier produces a fully loaded wage of \$47.63. The total estimated annual cost to respondents is \$275,349.03. Transit and Rail Road Police occupation Standard Occupational Classification (SOC) 33-3052 was chosen in BLS as it was the closest role relating to Local Transit Agency Representatives.

When applying for the TSGP, applicants must also fill out several standardized forms. These forms are a part of the Non-Disaster Grants Management System (ND Grants), established to meet the requirements of the E-Government initiative, authorized by Public Law 106-107. The ND Grants System streamlines FEMA’s non-disaster grant application process by creating standardized forms and integrating applicant information across FEMA’s non-disaster grant programs. These forms are approved under OMB Collection

1660-0025, which quantifies the number of applicants, burden hours, and total annual respondent cost across all FEMA non-disaster grants due to these forms.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost estimates should be split into two components:

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Item	Cost (\$)
Contract Costs [Describe]	
Staff Salaries* [10 GS-13 step 1, employees spending approximately 60% of time annually for this administrative and financial data collection] $10 \times \$92,145.00 = \$921,450.00 \times 1.46 = \$1,345,317.00 \times .60 = \$807,190.20$	\$807,190.20
Facilities [cost for renting, overhead, etc. for data collection activity]	
Computer Hardware and Software [cost of equipment annual lifecycle]	
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	
Travel	
Total	\$ 807,190.20

* Note: The "Salary Rate" is from the 2016 Washington-Baltimore-Arlington, DC-MD-VA-WV-PA General Schedule and includes a 1.46 multiplier to reflect a fully-loaded wage rate.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

A "**Program increase**" is an additional burden resulting from an federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "**Program decrease**", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"**Adjustment**" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
TSGP Investment Justification, FEMA Form 089-4				2,091	1,845	-246
Regional Transit Security Strategy				2,952	2,952	0
TSGP Investment Justification Background Document / FEMA Form 089-4A	0	369	+369			
TSGP Five-Year Security Capital and Operational Sustainment Plan / FEMA Form 089-4B	0	615	+615			
Total(s)	0	984	+984	5,043	4,797	-246

Explain:

The annual burden hours have decreased from 2,091 to 1,845 for the FEMA Form 089-4 as the background section has been made into a separate form (Investment Justification

Background Document). In addition, two new forms are being added to the collection - the Five-Year Security Capital and Operational Sustainment Plan (FEMA Form 089-4B) with 615 hours and the Investment Justification Background Document (FEMA Form 089-4A) with 369 hours. Therefore, the total burden hours of all three forms are 2,829 hours.

The average burden per response (in hours) for FEMA Form 089-4 has decreased due to standard information taken out of the form and put into a separate document, the Investment Justification Background. This information in the Investment Justification Background document will only need to be completed once per application.

Itemized Changes in Annual Cost Burden

Explain:

There is no cost burden for this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

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

FEMA will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

FEMA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.