

DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

SUPPORTING STATEMENT
Public Transportation Emergency Relief Program
OMB #2132-0575

ABSTRACT

This is a request to the Office of Management and Budget (OMB) for an extension of a currently approved information collection under OMB Control Number 2132-0575, “Public Transportation Emergency Relief Program.” This request includes an increase in the collection of information due to the addition of a third appropriation of funds for the Emergency Relief Program, under the Additional Supplemental Appropriations for Disaster Relief Act of 2019, and the continued reporting required for grantees under the second allocation. Congress appropriated \$10.5 million for FTA’s Emergency Relief Program for transit systems affected by major declared disasters occurring in calendar year 2018.

1. Circumstances that make the collection of information necessary.

The FTA Public Transportation Emergency Relief (ER) Program was authorized by Congress in 2012 under the Moving Ahead for Progress in the 21st Century Act (MAP-21) and reauthorized under the Fixing America’s Surface Transportation Act (FAST Act). Under the ER Program (49 U.S.C. 5324), States and public transportation systems receive funding for protecting, repairing, and/or replacing equipment and facilities that may suffer or have suffered serious damage as a result of an emergency, including natural disasters such as floods, hurricanes, and tornadoes. Eligible activities include capital projects to protect, repair, reconstruct, or replace public transportation equipment and facilities in danger of or having incurred serious damage as a result of an emergency. Operating costs related to evacuation, rescue operations, temporary public transportation service; and reestablishing, expanding or relocating public transportation route service before, during, or after an emergency are also eligible activities. These eligible activities also extend to tribal lands.

Under MAP-21, transit systems affected by a disaster may also utilize funds apportioned under the Urbanized Area Formula Program (49 U.S.C. 5307) or the Formula Grants for Rural Area Program (49 U.S.C. 5311) under the terms of the ER Program.

2. How, by whom, and for what purpose the information will be used.

Initially authorized by Congress in 2012 under the Moving Ahead for Progress in the 21st Century Act (MAP-21), the ER program allows FTA, subject to the availability of appropriations, to make grants for eligible public transportation capital and operating costs in the event of a catastrophic event, such as a natural disaster, that affects a wide area, as a result of which the Governor of a State has declared an emergency and the Secretary of Transportation has concurred, or the President has declared a major disaster.

In response to Hurricane Sandy, 12 States and the District of Columbia became eligible for financial assistance under FTA's Public Transportation Emergency Relief Program. To date, FTA has allocated \$10.03 billion in Emergency Relief funds. Of that amount, \$5,561,930,724 has been allocated for emergency response, recovery, and rebuilding projects and \$4,472,457,048 has been allocated for resilience projects, which are designed to protect transit systems in the Hurricane Sandy disaster area from damages associated with future storms. As of July 5, 2016, FTA fully allocated all of the funding made available under the Disaster Relief Appropriations Act of 2013.

In response to Hurricanes Harvey, Irma, and Maria, areas of Florida, Georgia, Louisiana, Puerto Rico, South Carolina, Texas, and the U.S. Virgin Islands became eligible for financial assistance under FTA's Public Transportation Emergency Relief Program. To date, FTA has allocated \$277.5 billion in Emergency Relief funds. Of that amount, \$233.3 million has been allocated for emergency response, recovery, and rebuilding projects and \$44.2 million has been allocated for resilience projects. As of May 2019, the majority of projects awarded to date are to reimburse transit agencies for emergency operating expenses incurred before, during, and in the aftermath of the storms. For example, the Puerto Rico Highway and Transportation Authority received \$4.4 million on behalf of Tren Urbano for emergency operations, protective measures, and emergency repair activities resulting from Hurricanes Irma and Maria.

The third appropriation of funds for the Emergency Relief Program was in 2019. Under the Additional Supplemental Appropriations for Disaster Relief Act of 2019, Congress appropriated \$10.5 million for FTA's Emergency Relief Program for transit systems affected by major declared disasters occurring in calendar year 2018.

The Federal Transit Administration (FTA) provides financial assistance to States, local governmental authorities, Indian tribes, and other FTA recipients affected by an emergency or major disaster for emergency recovery and relief. The information collected under this program is structured to comply with federal mandates. The reporting requirements are submitted by recipients in two stages, the application and project management stages.

The reports are submitted to FTA's Program Office, usually within an FTA Regional Office, to determine the applicant's eligibility for funding and, subsequently, the grantee's progress in implementing and completing project activities. The reports assure FTA of a level of management of risks and ensure an appropriate allocation of program funds to applicants affected by an emergency or major disaster. Also, the information submitted ensures FTA's compliance with applicable federal laws and the Common Grant Rule. In addition, without these reports, significant resources and manpower would be necessary to conduct on-site inspections.

Application Stage:

FTA must determine the applicant's eligibility to receive program funds. FTA must know: a) who the applicant is; b) for what purpose the funds are requested; and c) the amount of federal funds requested or needed. Applicants must submit:

a. Authorizing Resolution. As required by 49 U.S.C. 1602 (a)(2)(A), this information is necessary to assure FTA that the individuals involved represent the organization seeking federal assistance and are empowered to enter into contracts on the organization's behalf.

b. Opinion of Counsel. Also required by 49 U.S.C. 1602(a)(2)(A) to ensure that the applicant has the legal capacity to carry out the project and that there is no outstanding litigation that would encumber the federal government upon project approval.

In addition, each application must include:

c. Project Budget. FTA must know how much federal financial assistance is required, the amount and sources of local funds available for this project, and the specific elements and associated costs for each.

d. Project Description. Public Transportation Emergency Relief Grants are limited to specific categories of transit projects. The project description enables FTA to determine whether funding of the proposed project is allowable under federal transit law and the Common Grant Rule.

e. Project Milestone Schedule. This document consists of milestone dates for major activities and an overall project completion date. Milestone dates are provided for such events as bid advertisement, bid award, and contract completion.

f. List of Labor Unions. This document is used by the Department of Labor in making the certification of labor protective arrangements required for grants funded under Section 5324 in statutory language at Title 49 U.S.C. at Section 5333(b).

g. Environmental Exhibit. This documentation includes a proposed classification of each activity line item in accordance with the Federal Highway Administration (FHWA)/FTA Environmental Impact and Related Procedures, as required by 23 C.F.R. Parts 771.115 and 771.117. Many projects meet the criteria for a categorical exclusion. For each of these projects, proposed classifications and supporting documentation must be submitted. For those projects that do not meet the criteria for a categorical exclusion, an Environmental Assessment or Environmental Impact Statement may need to be submitted as required by the National Environmental Policy Act.

h. Project Management Plan. As required by 49 U.S.C. Section 5327(a), grantees must prepare and submit a project management plan to FTA for major projects (generally, those projects with a total cost of more than \$100 million). These plans explicitly define all tasks necessary to implement a major capital project. Each plan must include a description of adequate recipient staff organization; a budget; a construction schedule; a document control procedure and recordkeeping system; change order procedures; a description of organizational structures, management skills, and staffing level required for construction phase, quality control and assurance programs, material testing policies and procedures; plan for internal reporting requirements, and procedures for testing an operational system or its major component.

i. Annual Certifications and Assurances. Before FTA may award a federal grant, the applicant must provide FTA with all certifications and assurances required by federal laws and regulations for the applicant or project. A grant applicant must sign the appropriate certifications and assurances each year for all anticipated grant applications during that particular fiscal year. This annual certification process replaces individual certifications and assurances that grantees used in the past when submitting each grant application or periodically when warranted by specific circumstances.

j. Damage Assessment. States, local governmental authorities, Indian tribes, and other recipients of Federal Transit funds are required to submit a damage assessment to FTA to receive FTA disaster assistance. Under 49 U.S.C. Section 5324, a finding must be reached by the Secretary of Transportation that the damage is sufficiently serious to warrant federal funding for repairs. In order to make this determination, the Secretary relies on the information provided in the recipient's application for disaster assistance. FTA's authority and responsibility to prescribe policies and procedures for the proper submission of information necessary to allow this determination is established at 49 U.S.C. Section 5334.

Project Management Stage:

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of federal funds within the scope of the approved project. The requirements comply with "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" 2 CFR part 1201 and are contained in FTA Circular 5010.1E, and also may be included in sections of the grant contract. All the items below are included in either the FFR or MPR. These reporting requirements are:

a. Quarterly Milestone/Progress Reports (MPR). These narrative reports define the level of activity for each project element during the reporting period. Delays, problems, and milestone achievements are reported to FTA. The reports greatly reduce the need for on-site visits by staff.

b. Cost Allocation Plan. These narrative reports are required of State or local agencies desiring reimbursement for indirect administrative expenses incurred in connection with a capital grant. The Cost Allocation Plan is necessary to properly determine those indirect costs attributable to capital grants.

c. Quarterly Federal Financial Reports (FFRs). These quantitative reports provide a financial picture of project activity. The reports include information regarding obligations, payments, receipts, and other pertinent financial data required to ensure proper expenditure of federal funds. For purposes of this Information Collection Request, we have annualized the numbers in Question #12.

d. Reports of Significant Events. Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project should be reported to FTA immediately after detection and then reflected in the next quarterly progress report.

e. Pre-award and Post-delivery Rolling Stock Reviews. The reviews are required to be performed by FTA grantees purchasing rolling stock. These reviews are intended to ensure compliance with various requirements, such as Buy America, and to detect any vehicle defects while the vehicle is under warranty. Grantees certify compliance with the review requirements under the implementing rule that was published in September 1991.

f. Project Management Plan Updates. As major construction projects progress, the original project management plans need revisions and updates. Updates must include project budget; project schedule; financing, both capital and operating; ridership estimates, including operating plan; and, when appropriate, the status of local efforts to enhance ridership when estimates are contingent, in part, upon the success of such efforts to be made.

This information collection satisfies the environmental goal in the Departmental Strategic Plan.

3. Consideration of improved information technology to reduce burden.

FTA's electronic grant making and management system is a paperless, electronic grant application, review, approval, acceptance and management process. It is anticipated that 100 percent of applications received under this program will be submitted electronically. FTA also anticipates that approximately 100 percent of the periodic reports that grantees are required to submit will be submitted electronically. Grantees are also encouraged to use the electronic system for signature of annual certifications and assurances.

FTA anticipates that 100 percent of the damage assessments (included with the application stage and used to assess an applicant's need for emergency relief funds), will be submitted using the government-wide Web site GRANTS.GOV, although email and FTA's electronic Transit Award Management System are allowable.

4. Describe efforts to identify duplication.

The reports are project specific and the information is not available elsewhere. There is no duplication.

5. Efforts to minimize the burden on small businesses or other small entities.

The information collected does not involve small businesses.

6. Consequences to federal programs or policy activities if information was not collected or collected less frequently.

Damage assessments are submitted only once in response to an emergency or major disaster. FTA could not approve the payment of Emergency Relief funds to recipients based on a less frequent collection of this information. If Milestone Progress Reports, Federal Financial Reports and other reports were required less frequently, additional site visits by agency staff would be required to ensure compliance with program objectives.

7. 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.

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

A 60-day Federal Register notice was published on June 18, 2019 Vol. 84, FR. 28383 soliciting comments prior to the submission of this information collection to the Office of Management and budget (OMB). No comments were received from that notice. A 30-day Federal Register notice was published on October 3, 2019 Vol. 84, FR 52929.

In addition, FTA has worked with grantees on reporting requirements in shaping its reporting system and offers an opportunity for all grantees to comment on its methodologies. FTA has also sought public comment on guidance and a reference manual published in the fall of 2015 entitled, *Emergency Relief Manual: A Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C. 5324)*. The manual provides guidance to transit agencies that are planning for, responding to, or recovering from a federally-declared emergency or disaster. The manual describes steps that transit agencies can take to be better prepared prior to an event as well as actions that can be taken post-event in order to receive FTA assistance. It is intended to assist transit agencies by providing program eligibility information and requirements, while describing the process for applying for Emergency Relief Program funding to facilitate transit agencies receiving reimbursement for response, restoration, repair, and resilience actions taken related to the emergency or disaster.

In recent years, it has been the practice of FTA's Acting Administrator to personally call transit general managers in areas affected by natural disasters to offer assistance and to make sure that FTA's relief efforts at the regional and national level are effective in delivering aid without undue burden. FTA regional staff are also in frequent regular contact with grantees throughout the grant-making process, which provides ample opportunity for feedback on program requirements. In particular, regional staff offer extensive technical assistance as grantees develop their applications for emergency relief funding.

FTA uses its public website for two-way communication with transit grantees, posting timely information about developing natural disasters and accepting comments and questions through a webform. Two-way communication is also a key feature of FTA staff presentations at industry conferences, regional events, and webinars at which stakeholders are encouraged to both ask questions and to provide feedback on program requirements.

9. Explain payments or gifts to respondents.

No payments or gifts are provided to the respondents.

10. Describe any assurance of confidentiality provided respondents.

There is no assurance of confidentiality regarding these submissions.

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested and annualized cost to respondents.

Respondents: States, Territories, and Direct recipients

Annual Number of Respondents: 26

Estimates Annual Burden Hours: 4680

Frequency: Annually

Requirements	# Annual submissions	Burden hours per submission	Total burden hours
Application Stage (includes completion of the Supplemental Emergency Relief Form). Also includes the following: Authorizing/Resolution Opinion of Counsel Project Description Project Budget Project Justification Project Milestones List of Labor Unions Environmental Exhibit	26	50	1,300
Damage Assessment	26	50	1,300
Total - Application Stage	26	100	2,600

Project Management Stage	26	80	2,080
Progress Report- Annual			
Reports of Significant Events			
Federal Financial Report			
Pre-award/Post Delivery of Rolling Stock			
Cost Allocation Plans			
Project Management Plan Updates			
Total - Project Management Stage	26	80	2,080
Grand Total, Application and Project Management	26	180	4,680

The total burden associated with this submission is 4,680 hours (2,600 hours application stage + 2,080 hours project management stage). The column “# of Annual Submissions” is annualized and based on historical data for the Emergency Relief program.

Estimate of the cost to respondents:

The number and complexity of applications submitted each year will vary and there is a wide variance in the level of effort required. The figures below include both the application for funding and the damage assessment, and are representative of a straightforward application meeting all of the criteria for federal funding.

FTA estimates that the average salary of the respondent, typically an Urban/Regional Planner (occupation code 19-3051; <https://www.bls.gov/oes/current/oes193051.htm>) has a median hourly wage of \$46.91 (hourly salary of \$36.65 weighted with a 28 percent benefits adjustment of \$10.26) according to the Bureau of Labor Statistics

Application Stage

FTA estimates that it takes approximately 100 personnel-hours to develop and submit an application to FTA for review. The number of grants received per year for a declared emergency may vary significantly depending on the type of emergency, the number of emergencies, and the area(s) affected. FTA anticipates receiving approximately 26 applications per year as a result of a declared emergency, the total hours required are estimated to be 2,600 (100 hours x 26 applications = 2,600 hours). Although various personnel are involved in the development of an application, the average salary is estimated to be \$46.91 per hour. Therefore, the cost to the respondents for the application stage is computed at \$121,966 (2,600 hours x \$46.91 per hour = \$121,966).

Project Management Stage

Staff time devoted to the preparation of federal financial reports, milestone reports and other project management reports takes approximately 8 hours at an average salary of \$46.91 per hour or \$375 per report. There are 26 reports submitted annually; therefore, the cost for the project management stage is estimated to be \$9,750 (26 reports x \$375 = \$9,750).

The total cost for the application and project management stages is **\$131,716** (\$121,966 application stage + \$9,750 project management stage).

13. Estimate of the total annual recordkeeping/reporting cost burden to the respondents.

There is no additional cost beyond that shown in items 12 and 14.

14. Estimate of cost to the federal government.

The cost is calculated as follows:

Application Stage:

It will take approximately 19 person-hours to review each application received by FTA. It should be noted that this figure assumes that the application is: 1) complete, 2) fundable and 3) non-controversial. More complex projects or programs of projects would consume additional time.

Although reviewed by several different staffers, from secretaries to the Administrator, we estimate that the average grade level of the reviewers is GS-12/step 5, paid \$45.29 per hour according to the 2019 Federal Pay Scale https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf. Since FTA receives and reviews approximately 26 applications per year, the cost to the federal government is \$15,960 (19 hours x 26 applications = 494 hours x \$45.29 = \$22,373).

Project Management Stage:

A review of the project management reports submitted during a year should be completed within 1/2 hour by a GS-13 step 5 according to the 2019 Federal Pay Scale https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf (average salary, \$53.85 per hour for 1/2 hour = \$26.92). There are approximately 26 progress reports and financial reports submitted during a year. The cost to the federal government is \$700 (\$26.92 x 26 = \$700).

Total cost for application and project management stages is \$23,073 (\$22,373 application stage + \$700 project management stage).

15. Explanation of program changes or adjustments.

This is a request for an extension of a currently approved information collection. The extension includes a change in the respondent universe from 20 in the previously approved collection in 2016 to 26 in this current information collection request. This is based on the number of grantees eligible to apply for funding for natural disasters that occurred in 2017 and 2018. The burden hours increased proportionally due to new applications and ongoing reporting from grantees who received funding in previous years.

16. Publication of results of data collection.

FTA does not plan to publish the results of the information collected for statistical use.

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

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

18. Exceptions to the certification statement.

No exceptions are stated.