

Supporting Statement A
Bipartisan Infrastructure Law Airport Terminal and Tower Project Information
OMB 2120-XXXX

This emergency approval is for a new collection to solicit the data necessary to help the FAA evaluate and select airport terminal and tower projects for funding under the Bipartisan Infrastructure Law (BIL), signed on November 15, 2021. The FAA is requesting emergency approval to meet the timeline set by Congress for announcing availability of funds and soliciting project information. As the law provides for multiyear funding, the FAA will need approval beyond the 6 months allowed under an emergency approval. The FAA plans to pursue a standard 3-year approval as soon as OMB approves this emergency approval.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Bipartisan Infrastructure Law (BIL) (P.L. 117-58)¹ was signed on November 15, 2021 and provides \$1,020,000,000 annually, for five years, to award competitive discretionary grants for airport terminal and tower development. Of this amount, \$1,000,000,000 annually, for five years, is for the Airport Terminal Program, and \$20,000,000 annually, for five years, is for an Airport Tower Program (referred to collectively as “Airport Terminal and Towers Programs”). The BIL will rebuild America’s airports, bridges, rails and roads, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in historically disadvantaged communities. The legislation will help ease inflationary pressures and strengthen supply chains by making long overdue improvements for our nation’s ports, airports, rail, and roads. It will drive the creation of jobs and grow the economy sustainably and equitably.

The BIL instructed the Federal Aviation Administration (FAA) to fund airport terminal and tower projects expeditiously and gave the FAA 60 days to issue a notice of funding opportunity (NOFO). However, the FAA will need up to 90 days to issue a NOFO, a change we have coordinated with OST, and receive emergency approval for this collection so airports can begin submitting project information as soon as the NOFO is published. The collected information is required for the FAA to begin expeditiously distributing BIL funds to address aging infrastructure at the nation’s airports. The BIL designates the appropriation of these funds as an emergency requirement under Congressional spending legislation, which further indicates a necessary and compelling need for immediate action.

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.

The FAA is collecting project information to help with the selection of projects to be funded by the BIL Airport Terminal and Tower Programs. Airport owners and managers (sponsors) who elect to compete for funding and obtain benefits from the BIL Airport Terminal and Tower Programs will submit project information. The information collected is based on grant considerations outlined in the BIL. Some 3,075 airports are eligible to

¹ Full text available at www.congress.gov/bill/117th-congress/house-bill/3684/text.

participate in the BIL Airport Terminal and Tower Programs, though not all will have a project that fits the criteria outlined in the BIL.

The FAA will use submitted information to evaluate and select projects for funding that most closely align with the considerations in the BIL. The information FAA is collecting will include general airport information, a project overview, and narratives on project consideration areas which are specifically outlined in the BIL. Project consideration areas include increasing terminal capacity and passenger access, replacing aging infrastructure, achieving compliance with the Americans with Disabilities Act and expanding accessibility for persons with disabilities, improving airport access for historically disadvantaged populations, improving energy efficiency, improving airfield safety through Terminal relocation and encouraging actual and potential competition.

Project information will be solicited through a NOFO and collected via a fillable/fileable PDF. FAA Office of Airports (ARP) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with FAA standards for confidentiality, privacy, and electronic information.

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.

The FAA will collect information via a fillable/fileable Bipartisan Infrastructure Law Airport Terminal and Tower Project Information form (FAA Form 5100-144). The PDF form, which will be available via the FAA's Form Library,² will include a "submit" button that generates an email with the completed form attached and provides submission contact information. The information submitted will automatically be aggregated for review, evaluation, and project selection.

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 is a new collection related to the BIL Airport Terminal and Tower Programs, which have specific considerations for project selection as outlined in the BIL. While FAA collects airport project information for the Airport Improvement Program (OMB collection 2120-0569),³ the project eligibility and criteria for BIL is unique. Other than basic airport identification data, such as name and address, the information collected is unique.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The FAA is collecting the minimum amount of information needed so as not to overburden small entities and will provide guidance as necessary through FAA ARP field offices.⁴

6. Describe the consequence to Federal program or policy activities if the

² See <https://www.faa.gov/forms/>.

³ For more information on the Airport Improvement Program, see [Airport Improvement Program \(AIP\) - Airports](#).

⁴ For FAA Airports field offices, see <https://www.faa.gov/airports/regions/>.

collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure to collect project information related to the BIL Airport Terminal and Tower Programs will result in non-compliance with the BIL, prevent distribution of the funds in accordance with the law, and not allow the FAA to address aging infrastructure at the nation's airports. Collecting information less than annually would prevent the FAA from making funding decisions based on accurate, complete, and current information.

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

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **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;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **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; or**
- **requiring respondents to submit proprietary trade secrets, 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 special circumstances associated with this collection.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

The FAA is seeking emergency approval in order to meet the statutory requirements of the Bipartisan Infrastructure Law and is submitting this supporting statement, with OMB's concurrence, before seeking public comment. The FAA will submit for publication a 30-day Federal Register Notice (FRN) seeking comment as soon as the

emergency approval is granted. Any comments received as a result of the FRN will be addressed in the standard approval package we submit to OMB.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

The FAA will not provide gifts or remuneration.

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

No assurance of confidentiality is given to respondents.

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

The FAA will not ask questions of a sensitive nature.

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

The FAA anticipates the total annualized hourly burden to airports to be 3,060 hours.⁵

There are 3,075 airports eligible for the BIL Airport Terminal and Tower Programs; though it is unlikely that all airports will apply. Based on project data in FAA's Airports Capital Improvement Plan,⁶ we estimate that about 510 airports will apply for these competitive grants. Submission of information under the Airport Terminal and Tower Programs is voluntary but required to receive funding.

The time needed to complete the form will vary depending on the complexity of the requested project, but we estimate that the average time required to complete the application will be 6 hours.

$510 \times 6 \text{ hours} = 3,060 \text{ hours}$

The FAA anticipates the total annualized cost to airports to be \$342,720.⁷

This cost estimate is based on a combination of airport planners, engineers, and managers contributing to the request. The mean hourly pay for these employees⁸ is \$56

⁵ As this is a new collection, the FAA has based its initial calculations on existing public airport project information. When this collection is renewed under the normal approval process, the FAA will base these calculations on the number of actual respondents and the time they estimate it took them to complete the application process.

⁶ The Airports Capital Improvement Plan is outlined in [Order 5090.5, Formulation of the NPIAS-ACIP](#).

⁷ As this is a new collection, the FAA has based its initial calculations on existing public airport project information. When this collection is renewed under the normal approval process, the FAA will base these calculations on the number of actual respondents and the time they estimate it took them to complete the application process.

⁸ Based on Occupation 53-2000, BLS Occupational Employment Statistics for Transportation, 2020. See https://www.bls.gov/oes/current/oes_nat.htm. Wage provided above was calculated by dividing the mean annual wage by 2000 hours (50 weeks at 40 hours per week).

(rounded), multiplied by 2 to account for benefits plus other overhead costs such as rent, utilities, and office equipment,⁹ for a fully-loaded hourly wage of \$112.

3,060 X \$112 = \$342,720.

Summary (Annual Numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	510		
# of Responses per respondent	1		
Hours per Response	6		
Total # of responses	510		
Total burden (hours)	3,060		

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no expected material costs to respondents.

14. Provide estimates of annualized costs 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 not have been incurred without this collection of information.

The total estimated annualized cost to the Federal government is \$326,400.

To determine the annualized cost to the Federal government, we used the position of Management and Program Analyst, 343 series, or equivalent, which is typical for FAA staff across the country who will evaluate submitted projects and process the data received from airports. We expect each Management and Program Analyst will spend an average of 4 hours per submission.

The hourly pay for a federal Management and Program Analyst is \$48 (rounded),¹⁰ multiplied by 2 to account for benefits plus other overhead costs such as rent, utilities, and office equipment,¹¹ for a fully-loaded hourly wage of \$96.

510 submissions X 4 hours X \$96=\$195,840.

There will also be management involvement in project rating and selection, and the estimated management time per project at 2 hours per submission. The hourly wage for a Manager is \$64 (rounded),¹² multiplied by 2 to account for benefits plus other

⁹ U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis, Table 4.2, Constructing Default Estimates of the Value of Time, 2016. See https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf.

¹⁰ Occupation 13-1111, BLS Occupational Employment Statistics, Federal Executive Branch, 2020. See <https://www.bls.gov/oes/current/oes131111.htm>.

¹¹ U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis, Table 4.2, Constructing Default Estimates of the Value of Time, 2016. See https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf.

¹² Occupation 11-0000, BLS Occupational Employment Statistics, Federal Executive Branch, 2020. See https://www.bls.gov/oes/current/naics4_999100.htm#11-0000.

overhead costs such as rent, utilities, and office equipment, for a fully-loaded hourly wage of \$128.

510 submissions X 2 hour X \$128=\$130,560.

The total cost to the Federal government is annual Management and Program analyst cost of \$195,840, plus the management cost of \$130,560 for a total cost of \$326,400.

15. Explain the reasons for any program changes or adjustments.

This is a new 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.

The project information submitted under this collection will not be published. However, once funding decisions are made, the FAA will publish a list of projects funded under the BIL Airport Terminal and Tower Programs on the FAA website.¹³

The FAA will begin collecting project information under this emergency approval as soon as the associated NOFO is published, which we expect to occur in January or February 2022. The opportunity to submit funding requests will be open for 30 days. Project information will be reviewed and projects selected approximately 60 days after the deadline for project submission.

Once we seek collection approval under the standard process, we expect to collect project information once a year for the life of BIL (currently five years).

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

We are not seeking approval to not display the expiration date.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions.

¹³ See [Bipartisan Infrastructure Law | Federal Aviation Administration \(faa.gov\)](#).