

**INFORMATION COLLECTION  
SUPPORTING JUSTIFICATION  
Grant Management Requirements for  
Federal Railroad Administration  
Grant Awards and Cooperative Agreements (“Awards”)  
OMB Control Number 2130-0615**

**Summary of Submission:**

- This is a revision and update to a currently approved collection.
- FRA reviewed and corrected the total hours to complete the Waiver Request Narrative.
- The total cost to the Federal Government increased due to revised OPM salary adjustments which were effective January 2021. See question number 14 for details.
- FRA published the required 60-day Federal Register Notice on May 17, 2021, See 86 FR 26771. FRA did not receive comment in response to this Notice.

**1. Circumstances that make collection of the information necessary.**

The Federal Railroad Administration (FRA) is an Operating Administration of the Department of Transportation (DOT). FRA solicits grant applications for viable projects including, but not limited to, preconstruction planning activities, safety improvements, congestion relief, improvement of grade crossings, rail line relocation, as well as projects that encourage development, expansion, and upgrades to passenger and freight rail infrastructure and services. Funded projects are those that meet FRA and government wide evaluation standards and align with DOT’s strategic goals:

- *Safety*: Reduce Transportation-Related Fatalities and Serious Injuries Across the Transportation System.
- *Infrastructure*: Invest in Infrastructure to Ensure Mobility and Accessibility and to Stimulate Economic Growth, Productivity and Competitiveness for American Workers and Businesses.
- *Innovation*: Lead in the Development and Deployment of Innovative Practices and Technologies that Improve the Safety and Performance of the Nation's Transportation System.
- *Accountability*: Serve the Nation with Reduced Regulatory Burden and Greater Efficiency, Effectiveness and Accountability.

FRA administers award agreements for both construction and non-construction projects that will result in service benefits or other tangible improvements in rail corridors. These projects include completion of planning, preliminary engineering, environmental research and development, final design, and construction.

To ensure accountability of Federal award recipients through performance and results, including expenditures in support of agreed-upon activities and allowable costs outlined in a FRA Notice of Grant Award (NGA), FRA requires a systematic and uniform collection and submission of

information, as approved by the Office of Management and Budget (OMB). Included in this information collection are reports and documentation mandated by OMB for completion, as well as additional resources to compile evidence relevant to addressing FRA's important policy challenges, promoting cost-effectiveness in FRA programs, and providing effective oversight of programmatic and financial performance. This justification draws on innovative FRA program designs to use sophisticated practices in delivering Federal financial assistance and encourage continuous improvements in service delivery.

FRA issues and manages awards in compliance with Title 2 of the Code of Federal Regulations (CFR): Grants and Agreements. This justification includes one document package for collection over the entire lifecycle of the award process, in adherence to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (78 FR 78589, December 26, 2013; 79 FR 75871, December 19, 2014). All non-research awards are subject to the application, reporting, closeout, and other processes described in this justification. A description of the documentation collected follows.

## **APPLICATION DOCUMENTATION**

### FRA Grant Application (FRA Form 35)

FRA requires applicants to complete standard applications that elicit point-of-contact information; a detailed Statement of Work (SOW); and a detailed Project Narrative including a complete response to the project evaluation criteria, as stated in a Notice of Funding Opportunity (NOFO) published in the Federal Register announcing the funding opportunity.

FRA collects SOWs, as allowed under Appendix I to 2 CFR 200 Part D (2). A SOW provides a high-level overview of the project and the applicant. It also contains sufficient detail so that FRA and the grantee can track progress towards completing key project milestones. The SOW describes the overall approach to and expectations for project/activity completion and is essential for outlining the: project background, performance objectives, location, description of work, schedule and associated deliverables, project estimate/budget, project coordination, and project management. It serves as a record of the project scope, tasks, and deliverables, and, as such, enables the awardee to clearly document programmatic or financial changes and provides a resource for FRA to identify any project deviation. FRA incorporates the SOW into the NGA and utilizes the SOW when monitoring projects or tracking program progress against milestones and outcomes, as agreed-upon in the NGA. Thus, the SOW is a key resource for FRA oversight of awardees and award funding.

As allowed by Appendix I to 2 CFR 200 Part D(2), FRA issues NOFOs, which specifically request a project narrative. The applicant describes and quantifies how it meets project eligibility and evaluation criteria for the type of funding requested and details both the transportation challenges that the project will address and the intended outcomes, anticipated benefits, and beneficiaries of the project.

The project narrative includes details on planning, land acquisition, build-out, testing, and project implementation, specifying long-term financial plans to own, operate, and maintain property and equipment. The application should also include any environmental or historic preservation impacts anticipated from the project, as well as any environmental/historic preservation analyses

that have been prepared.

FRA generally limits the project narrative to a length of 25 pages, plus any supporting spreadsheet documents, tables, maps, drawings, and other materials, as appropriate, and in direct support of the project narrative's content. Grantees may revise the project narrative at one or more points during the grant lifecycle, as the scope of the project changes, though the burden of this revision is very minimal. FRA requires project narrative revisions only to the aspects of the project that have changed, including project objectives, anticipated inputs, outputs, and outcomes.

The project narrative enables FRA to evaluate award applicants for eligibility, merit, and risk, and this represents a critical aspect of exercising oversight of Federal program appropriations. 2 CFR 200.205 emphasizes risk review in the pre-award process, and the project narrative elicits information sufficient for FRA to initiate oversight of potential awardees.

#### Application for Federal Assistance (SF-424)

Also required for the application are OMB-cataloged forms that elicit program and applicant identification information necessary to summarize proposed project activities and budget and certify adherence to government wide mandates for Federal funding recipients. The Application for Federal Assistance (SF-424) is an OMB standard form that requests applicant information including: Employer Identification Number; DUNS number; Applicant Type; the program's Catalog of Federal Domestic Assistance (CFDA) number; Funding Opportunity Number; applicant's congressional district(s), and other information that assists with cataloging the application. The information contained in the form is submitted once, as required by OMB as part of the application process and entered data auto-populates to other forms in grants.gov to reduce the time and expense burdens for applicants.

FRA also requires from the grantee, for both construction and non-construction projects, budget information and assurances that the grantee will comply with government wide policies and regulations. These forms are cataloged as SF-424A, SF-424B, SF-424C, and SF-424D, and it is estimated that approximately one-half of the applicants will apply for non-construction projects and one-half for construction projects.

#### Additional Application Documentation (SF-LLL and FRA F 30)

The Disclosure of Lobbying Activities (SF-LLL) form ensures grantees' compliance with 31 U.S.C. 1352, which requires funding recipients to apprise FRA of lobbying activities.

The FRA Assurances and Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements form (FRA F 30) ensures grantees' compliance with: 2 CFR 180 to outline suspension and debarment for primary covered transactions; 49 CFR 32, which requires FRA grantees to maintain a drug free workplace; and 49 CFR 20, which specifies DOT's anti-lobbying policy as an agency-specific implementation of 31 U.S.C.

### **AWARD MAINTENANCE DOCUMENTATION**

Buy American Act and Buy America (PRIIA) Documentation, including NIST Manufacturing Extension Partnership Supplier Scouting – Federal Railroad Administration – Item Opportunity

### Synopsis (FRA F 229)

The information related to certification of compliance is used by FRA to verify compliance with the Buy America provisions: Buy American Act, 41 U.S.C. § 8302 et seq. and PRIIA Buy America, 49 U.S.C. § 24405. The information related to waivers of the Buy America provisions is used by FRA to grant or deny a waiver and by the public to comment on the waiver. The information related to the Awards is used by FRA and the awardee to verify compliance with the Buy America provisions. The information related to any investigation of compliance is used by FRA to investigate and make findings with respect to compliance with the Buy America provisions. The information related to the pre-award audit is used by FRA and the awardee to verify compliance with Buy America provisions. The information related to the domestic content improvement plans is used by FRA and the awardee to guide the awardee's increased use of domestic material.

Projects that have a legislative or other statutory requirement to follow Buy America provisions must adhere to Buy America provisions. The Secretary of Transportation may obligate funds for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States. The Secretary of Transportation may waive the PRIIA Buy America requirement if the Secretary finds that:

- (1) Adhering to this policy would be inconsistent with the public interest;
- (2) Steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;
- (3) Rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or
- (4) Including domestic material will increase the cost of the overall project by more than 25 percent.

The Buy American Act also allows for similar waivers. Awardees request waivers, if needed, in writing to FRA, citing one or more of the above criteria. FRA reviewed the estimated time to complete the waiver narrative request. It was determined that there was an error in the past calculations, thus hours were amended accordingly to correct this error, which reduced the total burden hours expected for submission of a waiver narrative request.

### Request for Advance or Reimbursement (SF-270)

FRA utilizes the SF-270 to manage awardees' requests for payment over a defined period through a calculation of total outlays; total income; federal/non-federal share of net outlays; federal payments requested previously; federal payment currently requested; and amount of advance payment for anticipated outlays in the period defined by the awardee. This fillable OMB form is an efficient way of disbursing payments and maintaining effective accounting and controls with regard to FRA awards and in compliance with 2 CFR 200.305(b). Specially formatted versions of the form auto-populates data based on the amounts entered by the awardee.

### Payment Summary Spreadsheet (FRA Form F 252)

FRA is now requiring awardees to complete the Payment Summary Spreadsheet, as utilizing this form will assist to manage and monitor awardees' requests for payment at a more detailed level than contained in the SF-270. Whereas the SF-270 provides cumulative expenditure data at the federal and matching level, the Payment Summary Spreadsheet allocates expenditures at the approved task level by federal and matching shares. This document allows awardees and the

FRA to track expenditures against the approved project budget for each task. The sheet captures the amounts previously requested, the amounts the awardee is currently requesting, total amount requested to date, and remaining balance at the task level and by federal and matching shares. FRA grant agreements require grantees to request a revised budget if any line item changes by more than 10 percent of the approved budgeted amount, and this spreadsheet allows FRA to track compliance with this requirement by having awardees report expenditures at the task level. The spreadsheet FRA developed auto calculates values to reduce burden and the likelihood of mathematical errors.

#### Applicant Financial Capability Questionnaire (FRA Form F 251)

FRA is now requiring awardees to complete the Applicant Financial Capability Questionnaire. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance) requires Federal agencies to evaluate the risk posed by Federal assistance applicants before they receive a Federal award (see 2 CFR 200.205). FRA is implementing the Applicant Financial Capability Questionnaire to more efficiently receive and evaluate the risks associated with financial assistance applicants. FRA is requesting organization level financial information from applicants who have not previously completed the form or not had a current/active grant award with FRA within the last three (3) years.

FRA expects significantly higher needs during the first year of this form's implementation. While FRA expects an average of 250 applications to be submitted, many of the applications received will be from the same proposed awardees. Therefore, those proposed awardees will have already completed the questionnaire. Based on the number of applications received in FY18-FY19 and FY20, FRA expects to only need this from a total of 168 applications received the first year in using this form and anticipates even less in subsequent years.

#### Quarterly Progress Report (QPR) (FRA Form 34)

In compliance with 2 CFR 200.301, FRA requires its awardees to submit progress information, which enables the agency's understanding of awardees' progress towards completion of project activities, relates project performance to financial expenditures, and identifies best practices among recipients, as well as areas for improvement.

The QPR is a fillable Portable Document Format (PDF) form that minimizes the awardee burden by auto-populating static project data, such as awardee profile information and SOW tasks. FRA uses QPRs to monitor and assess awardees' progress against project goals within agreed-upon parameters, as documented in the signed NGA. Using a standard QPR form allows FRA to quickly gather, consolidate and analyze report data to determine trends and identify grantees needing special attention or assistance. Grantees must submit QPRs, using the FRA-provided form, for all calendar quarters during the grant period of performance (PoP), as indicated on the NGA cover sheet. FRA reminds awardees that reports must be complete, thorough, accurate, and certified by a representative who is authorized to verify and submit data on behalf of the awardee.

#### Federal Financial Report (SF-425)

On a quarterly basis through the entire period of performance, FRA requires awardees to report expenditures, comparing actual project expenditures with anticipated amounts outlined in the approved project budget. FRA adheres to the requirements for financial reporting outlined in 2

CFR 200.327 and collects SF-425s as frequently as allowed by OMB to oversee awardees' management of Federal funds optimally.

#### Grant Adjustment Request Form (FRA Form 31)

FRA utilizes the Grant Adjustment Request Form (GARF) to efficiently initiate adjustments or amendments to the NGA required to enable successful completion of the FRA-awarded project. In compliance with 2 CFR 200.308, which outlines government wide requirements for making grant adjustments, FRA requires awardees to report deviations from the project's budget, scope, or objective and request prior approval from Federal awarding agencies for planned budgetary and programmatic revisions. FRA maintains the authority to approve or disapprove any adjustment request.

Awardees complete the GARF by indicating the type of adjustment requested:

- Minor administrative change(s) to the NGA;
- A no-cost extension of 12 months or less to the award;
- Minor modification to any component of the SOW, as previously approved by FRA; or
- Significant changes to the NGA, including requests for additional federal funding and other significant budgetary changes; no-cost extension for a period exceeding 12 months; and significant amendments to the SOW.

Awardees must also include a justification for the requested adjustment. The GARF enables FRA to manage any changes to the agreed-upon project SOW and budget and maintain stewardship of the overall program appropriation. Standardization of the amendment process increases operational efficiency and the speed with which changes are reviewed and enacted, thus benefiting the grantee and their time-sensitive projects.

#### Service Outcome Agreement (SOA) Annual Reporting (FRA Form 32)

FRA requires recipients of service project awards to provide annual updates on progress towards meeting the outcomes of FRA's investment, including commencement of service and any amendments since submission of the previous SOA. Service project awardees submit SOAs before and after commencement of service, which specifically asks awardees when service began, if applicable. The SOA also requires awardees to verify that the parties to the service project are in compliance with the most recent SOA. Upon completion of the activities set forth in the SOA, the awardee verifies whether it has met all SOA activities and metrics.

#### Compliance with the National Environmental Policy Act (NEPA; FRA F 217)

NEPA requires the preparation of the proper environmental analysis prior to the award of a grant. For the majority of grants awarded through FRA, this compliance is performed by completing FRA F 217 – the Categorical Exclusion Worksheet as most grant projects fall under the Categorical Exclusion (CE) provisions of NEPA. FRA F 217 helps FRA determine that the project is appropriate for an applicable categorical exclusion and that no unusual circumstances require further environmental review. Some projects that fall under the CE provisions have such limited impacts that FRA can complete the FRA F 217 on behalf of the grantee. In addition, some projects may require an Environmental Assessment (EA) and even a smaller number will require the most extensive Environmental Impact Statement (EIS) review which do not require completion of the FRA F 217. Both the EA and the EIS do not have specific forms and the types of information gathered are not standardized, but rather are project dependent.

## **CLOSEOUT DOCUMENTATION**

### Final Performance Report (FRA Form 33)

2 CFR 200.343 requires that awardees submit all financial, performance, and other closeout documentation as required by the terms and conditions of the award no later than 90 calendar days after the end date of the period of performance. The final performance report provides a full accounting of project performance upon completion of the period of performance, with a description of the activities, outputs, outcomes, performance measures, status of completed or continuing construction activities, lessons learned, leveraging, budgetary narrative, and feedback from the grantee.

The final performance report allows FRA grant managers to assess the project against the requirements outlined in the NGA and provides grantees with the opportunity to showcase the successes and lessons learned from the project. As such, the final performance report is a critical document that can help to inform future awarding decisions by FRA and other federal agencies. Additionally, patent disclosure (if applicable) and a federally-owned property report (if applicable) provide a more complete picture of the project performance and potential for leveraging federal investments. Content from the final performance report, including public benefits and photos, may be used in FRA materials to illustrate the value and impact of our programs.

FRA provides a final report template and instructions to assist awardees with report completion. The report template and prescribed content makes writing the Final Performance Report easier for the grantee than if there were no guidance. Awardees must submit reports that are complete, thorough, accurate, and certified by a representative who is authorized to verify and submit data on behalf of the organization. After an authorized representative of the awardee certifies the final performance report, awardees submit the report via email.

### **2. How, by whom, and for what purpose the information is to be used.**

FRA collects reports, documents, and other information throughout the grant lifecycle as a primary means of practicing effective oversight of Federal investments in railroad equipment and infrastructure to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

FRA issues NOFOs that provide detailed descriptions of forms and documents required of applicants to be considered eligible for Federal awards. Required documentation includes OMB forms and written narrative information regarding the project scope, description of activities, and utilization of potential Federal funding.

FRA extends award agreements to applicants that respond favorably to NOFOs and indicate a strong commitment to high performance standards and a cost-effective approach, at low risk to the Federal government. Notices of Grant Agreement (NGAs) include clear and detailed requirements for applications, award maintenance, and closeout procedures.

State and local government applicants for grants are required to comply with NEPA and the associated regulations, executive orders, and other statutes that fall under the NEPA analysis.

For projects with known impacts that do not trigger Environmental Assessments or Environmental Impact Statements, FRA asks applicants to complete a CE Worksheet (FRA F 217) which consolidates the required information in a streamlined method to assure NEPA compliance.

Awardees of FRA awards submit performance and financial reports on an interim basis, including quarterly OMB Federal Financial Reports and quarterly progress reports. Quarterly reporting is critical for exercising stewardship of FRA programs and Federal funding at regular intervals. FRA can address awardees' programmatic and financial challenges, as well as potential non-compliance issues more efficiently through quarterly reporting. Quarterly reports provide an opportunity for FRA to highlight awardees' strengths and areas for improvement, and it is a key resource for monitoring planning and execution. FRA works with awardees to expeditiously resolve scheduling delays, slower rates of budgetary drawdown, areas of non-compliance, and other factors that pose potentially adverse consequences and risks to Federally-funded programs that are identified in quarterly reports. Quarterly reporting continues through the completion of the PoP.

FRA utilizes SOWs and quarterly reports when the agency conducts on-site and remote monitoring of awardees. Through monitoring activities, FRA inspects project performance and certifies progress towards project completion. As with quarterly reporting, monitoring avails FRA the means to oversee project progress during the PoP and meet risk management responsibilities. Specifically, monitoring enables FRA to more closely review awardees' use of award funding and relate it to project activities and progress. FRA evaluates awardees' execution of the tasks identified in the SOW, and issues detailed findings in monitoring reports, summarizing the project scope and history, progress, corrective actions to be undertaken by the awardee, and other items relevant to the project's effectiveness as it relates to the associated Federal appropriation. If FRA identifies areas requiring corrective action, the awardee drafts and submits a follow-up report to FRA. This corrective action report ensures that the awardee will resolve any circumstances affecting performance or progress towards programmatic or financial deliverables as outlined in the NGA.

Awardees must comply with the provisions of Buy America, and, in instances where a compelling reason exists, awardees may request a waiver. Waiver requests may entail a significant additional effort, due to the standard of proof required for a grantee to demonstrate the inability to comply with the Buy America provisions.

FRA requires awardees on service projects to submit SOAs on an annual basis. These are collected annually by FRA for the purpose of updating awardees' progress towards commencing service, and once service has commenced, towards meeting all commitments and milestones. Typically, SOAs are required before and after service commencement. Because service outcome agreements cover a longer period of time than the PoP, FRA utilizes SOAs to track program deliverables during the award PoP and after closeout. This is necessary for evaluating longer-term projects, and FRA utilizes information from SOAs to determine awardees' eligibility for future awards.

At the close of the award-funded PoP, FRA collects final reports to enable efficient refund of de-obligated funds, disposal of property, and proper archiving procedures, as required under 2 CFR. Specifically, FRA collects a final SF-425, a final performance report, and, if applicable, a final



SF-270 and a narrative final property accounting. Upon collection, review, and approval of these forms by FRA, the agency closes the awards. DOT and FRA utilize findings from final reports to facilitate mandated agency and legislative reporting.

The tables below describe each FRA document collection conducted throughout the grant lifecycle, including the purpose and means of collection for each document.

## APPLICATION

### Application - OMB Standard Forms

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
SF-424 Application for Federal Assistance	Form	OMB	Collect applicant and proposed project data, including descriptive title of project, location of proposed activity, and budget summary. Auto-populates data to other OMB forms and templates to minimize burden.	Fillable PDF to be uploaded to Grants.gov	1
SF-424 A Budget Information - Non- Construction Programs	Form	OMB	Summarize project budgetary information, detailing Federal and non-Federal funding sources, costs by object class categories, or forecasted cash needs by year.	Fillable PDF to be uploaded to Grants.gov	1
SF-424 B Assurances - Non- Construction Programs	Form	OMB	Assure that applicant will comply with all applicable federal regulations and statutes, including property disposal provisions, allow federal agency access to Federally-funded project records and documentation, and deliver project activities within a timeframe specified in an award agreement. Assure that applicant will exercise effective oversight of construction and engineering activities.	Print, scan, and upload to Grants.gov	1
SF-424 C Budget Information - Construction Programs	Form	OMB	List project budget by cost classification items, including both allowable and non-allowable costs under a Federal award.	Fillable PDF to be uploaded to Grants.gov	1
SF-424 D Assurances - Construction Programs	Form	OMB	Assure that applicant will comply with all applicable federal regulations and statutes, allow federal agency access to Federally-funded project records and documentation, and deliver project activities within a timeframe specified in an award agreement.	Print, scan, and upload to Grants.gov	1
Disclosure of Lobbying Activities (SF- LLL)	Form	OMB	Disclosure of applicant's lobbying activities, affecting initial or continued Federal funding of awardee project.	Print, scan, and upload to Grants.gov	1

**Application - FRA Forms**

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
FRA F 35 Application Form	Narrative	FRA	Discuss and quantify how the applicant meets all requirements as outlined in NOFO. Outline transportation challenges the applicant seeks to address w/federal funding. Describe project scope, overall approach to and expectations for project/activity completion, and deliverables. Provide project background, performance objectives, location, description of work, schedule and associated deliverables, project estimate/budget, project coordination, and project management. Describe project implementation, management, engineering, and environmental impact of project. Serve as a baseline document for performance tracking and monitoring.	Document attachment in Grants.gov	1
FRA F 251 Applicant Financial Capability Questionnaire	Form	FRA	Evaluate the risks associated with financial assistance applicants.	Fillable PDF to be uploaded to Grants.gov	1
FRA F 30 FRA Assurances & Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements	Form	FRA	Certify that applicant has not committed actions which may result in suspension or debarment and upholds the requirements for maintaining a drug-free workplace. Record applicant's lobbying activities.	Print, scan, and upload to Grants.gov	1

## AWARD MAINTENANCE

### Award Maintenance - OMB Standard Forms

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
SF-270 Request for Advance or Reimbursement	Form	OMB	Collect advance payment or reimbursement request from awardee by program/function/activity, including payee information, program outlays to date, program income, and proposed estimated outlays. Specify outlays by Federal and non-Federal shares, and amount requested for advance or reimbursement.	Delphi eInvoicing	4
SF 425 Federal Financial Report	Form	OMB	Record cumulative Federal cash received, disbursed, and on hand; expenditures and unliquidated obligations against available budget; cumulative expenditures under the grant to date; recipient share of expenditures against total recipient share of budget; program income; and indirect costs.	Submitted through GrantSolutions.gov	4

### Award Maintenance - FRA Forms

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
FRA F 229 NIST Manufacturing Extension Partnership Supplier Scouting – Federal Railroad Administration – Item Opportunity Synopsis	Form	FRA	Provide technical and business descriptions of supplies and equipment required by awardee, as well as efforts to secure domestic sources, in compliance with Buy America provisions.	Fillable PDF to be collected by FRA via email.	1
Additional Required Buy America Documentation	Narrative Request	N/A	Certify compliance with or seek an exemption from the provisions of Buy America as allowed by the Secretary of Transportation; petition FRA to Investigate Compliance of Successful Bidder/ Offeror with Bidder's/Offeror's Certification; pre- and post-award audit.	Various	1
FRA F 34 Quarterly Progress Report	Form	FRA	Track progress of awardee programmatic and financial performance for the reported quarter and proposed activities for the following quarter	Fillable PDF to be emailed to FRA	4

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
FRA F 251 Payment Summary Spreadsheet	Form	FRA	Collect expenditure amounts at the task level and by federal and matching shares, which is a greater level of detail than the SF-270, which the Payment Summary Spreadsheet accompanies. Allows FRA to monitor expenditures against the approved project budget. Facilitates FRA ensuring compliance with the requirement that awardees not deviate from the approved project budget line items by more than 10 percent.	Delphi eInvoicing	4
FRA F 31 Grant Adjustment Request Form (GARF)	Form	FRA	Request amendment of the NGA terms and conditions and record the nature and rationale for the requested adjustment, as well as risk factors and risk mitigation, as recommended by FRA, of approving the adjustment.	Fillable PDF to be emailed to FRA	1
FRA F 32 Service Outcome Agreement Annual Reporting	Form	FRA	Provide an annual update on the status of current and past FRA-funded awards towards commencement of service and for a period of 20 years after service initiation.	Email	1
FRA F 217 Categorical Exclusion Worksheet	Form	FRA	Compliance with NEPA and associated laws is required prior to the award of a grant. This documentation allows the applicant to avoid a lengthier Environmental Assessment or Environmental Impact Statement.	Print, scan, and upload to Grants.gov	1

## CLOSEOUT

### **Closeout - OMB Standard Forms**

Awardees do not complete any OMB forms *exclusively* for award closeout. However, awardees are required to submit a final SF-425, and a final SF-270 (if necessary) before FRA closes out the award. For details related to both SF-425 and SF-270 forms, please see the Award Maintenance section above.

### **Closeout - FRA Forms**

Documentation	Format	Issuing Agency	Purpose	Means of Collection	Number of Collections Annually
FRA F 33 Final Performance Report	Form	FRA	Provide a full accounting of project performance upon completion of the period of performance, summarizing project objectives, activities, outputs, outcomes, performance measures, lessons learned, leveraging, budgetary narrative, and feedback from the grantee.	Fillable PDF to be emailed to FRA	1

### **3. Extent of automated information collection.**

FRA utilizes, to the extent possible for collecting all information necessary in compliance with Title 2 of CFR, automated systems and formats, including auto-population of fields that do not require duplicate data entry. FRA instructs applicants to upload required documents to Grants.gov, which minimizes time and cost burdens for applicants and FRA.

Recently, the agency implemented streamlined reporting formats, such as fillable PDF forms with drop-down field, that reduce the time required for awardees to complete and submit required reports. FRA adopted these revised reporting formats and procedures to introduce uniform and clearly presented reporting requirements. The revised formats also enable FRA to review awardee reports more efficiently, and this facilitates less burdensome oversight and identification of any necessary SOW and/or NGA amendments.

Moreover, when completing SF-425s, SF-270s, revised project narratives, and revised SOWs, awardees typically revise only the information that has changed from previous reports.

### **4. Efforts to identify duplication.**

In order to identify duplication, FRA maintains a program management database with unique elements that are used to compare and cross-walk against new or existing applications and all other data elements—internal or external—to minimize the amount of information requested from the grantee.

Project narratives and statements of work are generally project specific, and the information provided in a statement of work is unique and not available elsewhere.

When appropriate, to reduce duplication, relevant materials previously provided to FRA may be referenced and described as unchanged. To the extent referenced, this information need not be resubmitted. This procedure is expected to continue to be followed by grantees in the future.

#### **5. Efforts to minimize the burden on small business.**

N/A. While States likely collect this information, the federal government has not participated in information collection from small businesses to date. Participation by small businesses is limited to contracting and subcontracting work as requisitioned by grantees. Small businesses are not required to complete any of the documentation described in this justification, and they do not assume any burden from the described information collection.

#### **6. Impact of less frequent collection of information.**

FRA implements information collection policies and procedures with consideration of efficient Federal funding oversight, compliance with government wide standards and regulations, and minimization of time and cost burdens. Information collection policies and procedures result from careful consideration of the data necessary for stewardship of Federal funds and cost-efficient project execution. At each phase of the award lifecycle, FRA mandates collection only of information that meets these criteria.

#### **Application**

##### Application Form (FRA F 35)

The FRA application form solicits a project narrative and SOW from the applicant. The project narrative serves as the description of an award applicant's goals and objectives for a proposed grant-funded project. This document is a critical aspect of the grant application, and FRA places significant emphasis on the project narrative when conducting merit review of applications. Without this document, FRA would lack a full understanding of the applicant's qualifications and would be unable to make informed funding decisions.

The SOW establishes the main project-related deliverables, by which the grantee's performance is measured throughout the period of performance. Without this document, both FRA and grantees would face formidable challenges and inefficiencies in tracking grant activities and progress. Specifically, monitoring would be more difficult without the SOW to guide FRA's on-site or remote evaluation of awardees' progress towards project deliverables. As a baseline project document, grantees may revise SOWs one or more times during the award lifecycle, as the project scope changes.

##### Application for Federal Assistance (SF-424) and Associated Documentation

The SF-424, along with required budget information, assurances, disclosure of anti-lobbying activities enable FRA to determine applicant eligibility and risk, which, along with the merit review that results from the project narrative, are the critical factors in making funding decisions. OMB requires this documentation of all Federal funding applicants for general management of Federal assistance awards programs. Without collection of these forms, FRA's evaluation of applications would be incomplete and the agency is placed at significantly higher risk of awarding federal funding to entities that are out of compliance with policy and ethics standards.

### **Award Maintenance Requirements**

FRA must collect reports and technical deliverables to ensure progress and performance and meet the FRA's fiduciary responsibility. Without interim reports, FRA would not be able to: monitor and assess the progress of selected awards; verify projects are on track for scope, schedule, and budget; or identify projects needing additional FRA assistance or support. Furthermore, without this collection of information, FRA would not be able to accurately provide current or future budget estimates or respond to agency or Congressional inquiries related to the status of selected projects.

FRA collects SF-424s with the maximum frequency allowed by OMB, that is, on a quarterly basis and simultaneously with QPR submission. The collection of quarterly and financial reports enables FRA to fulfill statutory and regulatory requirements, contribute to the economic development of States and the District of Columbia, and promote and enhance safe rail transportation throughout the United States.

Awardees utilize SF-270s to request advance payment or reimbursement for project-related expenditures. These OMB-approved forms offer an efficient and uniform system for processing award disbursements. Without such systemization for payment processing, FRA's time burden for reviewing payment requests would likely increase.

Awardees utilize the Payment Summary Spreadsheet to allocate expenditures by approved project budget task and by federal and matching shares. This allows awardees to demonstrate compliance with requirements to expend funds in line with the approved project budget. The form contains auto calculated cells to reduce burden on the awardees and mathematical errors. Without such systemization for payment processing, FRA's time burden for reviewing payment requests, and the likelihood for non-compliance with the approved project budget, would increase.

To further reduce awardees' burden, FRA may in the future allow grantees to upload QPRs and final performance reports to a secure web portal, instead of via email. In this way, information transmission would be more direct, and FRA's burden would be further reduced.

FRA and awardees utilize the GARF to review and approve minor amendments, no-cost extensions, SOW revisions, and any significant changes to NGAs efficiently. FRA reviews input from awardees regarding the need for grant adjustments, which include minor administrative amendments, no-cost extensions, revisions to SOWs, and significant changes to the NGA. In the GARF, awardees justify the need for an adjustment, and FRA reviews the grantees input to make a decision that balances program goals with awardees' progress and performance. FRA implements a thorough, multi-level review process that assesses awardees' requests from programmatic, financial, and compliance-related perspectives. Without the GARF, FRA would be at a disadvantage in efficiently collecting data from awardees in requesting and justifying their requests for adjustments to the NGA. Additionally, FRA's process for reviewing adjustment requests would require additional time and effort, leading to higher costs. Using the GARF also ensures FRA collects the information it needs from the grantees the first time, thereby reducing the need for follow-up questions and additional work on the part of grantees.



FRA collects Buy America waivers from awardees that are unable to fulfill the Buy America requirements. Waivers must clearly state the reasons for the inability to meet Buy America requirements, citing one of the four main criteria in Section 1 above for PRIIA Buy America or one of the exceptions found in the Buy American Act and its implementing regulations. In reviewing Buy America waivers, FRA and DOT weigh the awardee's ability to meet project deliverables and support economic opportunity for American companies and workers. To maximize opportunities for American businesses to fill the needs of FRA awardees, all waiver requests must be published in the Federal Register before they are granted, and DOT posts waiver requests on its website. Waiver requests serve as the justification for awardees to proceed with project activities, including procurement, by transacting with non-American companies and businesses on an exceptional basis only. Without the information collection described in this submission, the FRA Administrator could not fulfill the Administrator's duties under DOT's Buy America policy. Specifically, the Administrator could not (1) be reasonably certain that the FRA is complying with the Buy America policy of only obligating an amount to carry out an FRA funded project if the steel, iron, and manufactured goods used in the project are produced in the United States, (2) perform the fact-finding necessary to grant or deny a waiver, (3) justify the Administrator's grants of any waivers, (4) communicate to awardees through the application and Awards negotiation process to verify compliance with the Buy America, (5) investigate and document any reported or discovered non-compliance with the Buy America, (6) audit awardees pre-award to verify compliance with the Buy America, and (7) encourage domestic production of rolling stock by requesting borrowers submit plans to improve domestic rolling stock to assist awardees in complying with the Buy America.

The SOA provides an annual assessment of current and past awardees' progress towards commencing service and compliance with SOA provisions towards meeting milestones and commitments. Without this annual update, FRA would face challenges in evaluating the long-term outcomes, benefits, and cost-effectiveness of service projects. The SOA also gives FRA the ability to determine eligibility of past awardees for future funding, based on awardees' long-term performance.

The Categorical Exclusion (CE) Worksheet is used to ensure FRA meets the statutory requirements of NEPA and related laws and regulations. The information collected through this form is used to confirm that the project scope being funded through the grant meets FRA categorical exclusions, which allows for the completion of this form instead of a lengthier EA or EIS. Absent the CE Worksheet, the same information would still need to be collected from the grantee, as required by CEQ regulations. The CE Worksheet provides a logical and efficient way to collect the information FRA needs to meet its requirements under NEPA while minimizing over-reporting of information.

### **Closeout**

Similar to the QPR, the final performance report enables project-level assessment as a fundamental component of an overall evaluation of FRA programs. DOT utilizes final reporting data from FRA and other agency operating administrations in its reports to Congress. Without final reports, FRA would face serious challenges in recording and analyzing the completeness and lasting impact of award-funded projects, including monitoring patent disclosure (if applicable), status of construction and inspection activities at the close of the project, and condition of Federally-owned property (if applicable) that are included in required close-out reports by State governments. Such data inform and possibly direct future funding decisions.

## **7. Special Circumstances.**

All information collection requirements are in compliance with this section.

## **8. Compliance with 5 CFR 1320.8.**

On May 17, 2021, FRA published a 60-day notice in the *Federal Register* soliciting comment on this ICR for which it is now seeking OMB approval. See 86 FR 26771. FRA received no comments

Additionally, through calls with stakeholders, frequent contact with regional teams and the delivery of technical assistance, FRA periodically meets with States to ensure that requested information is both useful to FRA and to the recipient, and that FRA is not causing undue burden on the recipient. FRA is also currently conducting a nationwide disparity study on the use of minority- and women-owned business enterprises in Federally funded rail transportation projects as FRA remains firmly committed to increasing equity across the American economy and ensuring that Disadvantaged Business Enterprises have fair access to contracting opportunities with the federal government

## **9. Payments or gifts to respondents.**

FRA has not and will not provide any payment or gifts to respondents, including remuneration of contractors or grantees.

## **10. Assurance of confidentiality.**

All material provided by grantees is proprietary and is subject to the Freedom of Information Act (FOIA).

Statements of work and project reports submitted by grantees pursuant to an NGA become agency records and thus subject to the FOIA and to public release through individual FOIA requests. FRA also recognizes that certain information submitted by awardees could be exempt from public release under FOIA as a result of the application of one of the FOIA exemptions which protect trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Entities seeking exempt treatment must provide a detailed statement supporting and justifying their request and should follow FRA's existing procedures for requesting confidential treatment in the railroad safety context found at 49 CFR 209.11.

As noted in the DOT's FOIA implementing regulation (49 CFR Part 7), the burden is on the entity requesting confidential treatment to identify all information for which exempt treatment is sought and to persuade the agency that the information should not be disclosed (see 49 CFR 7.17). The final decision as to whether the information meets the standards of exemption rests with FRA.

## 11. Justification for any questions of a sensitive nature.

FRA's information collection practice does not request any sensitive or private information and such requests are not expected in the future.

## 12. Estimate of burden hours for information collected.

Through application solicitation and awards management, FRA has calculated a burden associated with applications, deliverables and reports.

Form Name and Form Number	Form	Grant Activity/Process	Respondent Universe	Average Time (hours) per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
Grant Application (FRA F 35)	FRA F 35	Application	250	34	8,500.00	\$348,415.00
Application for Federal Assistance (SF 424)	SF 424	Application	250	1.1	275.00	\$11,272.25
Budget Information for Non-Construction Programs (SF 424A)	SF 424A	Application	75	3	225.00	\$9,222.75
Assurances for Non-Construction Programs (SF 424B)	SF 424B	Application	75	0.25	18.75	\$768.56
Budget Information for Construction Programs (SF 424C)	SF 424C	Application	175	3	525.00	\$21,519.75
Assurances for Construction Programs (SF 424D)	SF 424D	Application	175	0.25	43.75	\$1,793.31
Disclosure of Lobbying Activities (SF LLL)	SF LLL	Application	250	0.17	42.50	\$1,742.08
Applicant Financial Capability Questionnaire (FRA F 251)	FRA F 251	Application	168	2	336.00	\$13,772.64
FRA Assurances and Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements(FRA F 30)	FRA F 30	Application	250	0.25	62.50	\$2,561.88
Federal Financial Report (125 new awardees submit each quarter; 125x4=500) (SF 425; new awards)	SF 425	Awards & Maintenance	500	1.5	750.00	\$30,742.50
Federal Financial Report (216 existing awardees submit each quarter; 216x4=864) (SF 425; existing grantees)	SF 425	Awards & Maintenance	864	1.5	1,296.00	\$53,123.04
Request for Advance or Reimbursement (SF 270)	SF 270	Awards & Maintenance	860	1	860.00	\$35,251.40
Payment Summary Spreadsheet (FRA F 252)	SF 252	Awards & Maintenance	860	0.5	430.00	\$17,625.70
Quarterly Progress Report (125 new awardees submit each quarter; 125x4=500) (FRA F 34; new awards)	FRA F 34	Awards & Maintenance	500	2	1,000.00	\$40,990.00
Quarterly Progress Report (216 existing	FRA F	Awards &	864	2	1,728.00	\$70,830.72

awardees submit each quarter; 216x4=864) (FRA F 34; existing grantees)	34	Maintenance				
Grant Adjustment Request Form (FRA F 31)	FRA F 31	Awards & Maintenance	212	1	212.00	\$8,689.88
Service Outcome Agreement (SOA) Annual Reporting (FRA F 32)	FRA F 32	Awards & Maintenance	24	1	24.00	\$983.76
Certification of Compliance or Non-Compliance with Buy America Requirements for Steel, Iron, or Manufactured Products being produced by Awardee (narrative request)	n/a	Buy America Component	15	3	45.00	\$1,844.55
Certification of Compliance with Buy America for Rolling Stock (narrative request)	n/a	Buy America Component	1	62	62.00	\$2,541.38
Waivers - Requests/ Applications for Waivers, excluding FRA Form 229 (narrative request)	n/a	Buy America Component	15	80	1,200	49,188.00
NIST Manufacturing Extension Partnership Supplier Scouting - FRA - Item Opportunity Synopsis (FRA F 229)	FRA F 229	Buy America Component	15	18	270.00	\$11,067.30
Awardee Investigations (including FRA initiated investigations)	n/a	Buy America Component	3	333	999.00	\$40,949.01
Awardee direct reply to FRA after request to conduct investigation of bidder/offeror (narrative request)	n/a	Buy America Component	2	1	2.00	\$81.98
Additional Documents to FRA from Awardee/Investigated Party (narrative request)	n/a	Buy America Component	1	4	4.00	\$163.96
Transmission of Awardee/Bidder/Offeror Reply to Petitioner (narrative request)	n/a	Buy America Component	2	0.5	1.00	\$40.99
Awardee/Investigated Bidder/Offeror response to Petitioner Comment (narrative request)	n/a	Buy America Component	1	8	8.00	\$327.92
Written request to FRA for information bearing on substance of investigation which has been submitted by petitioner, interested parties, or awardees (narrative request)	n/a	Buy America Component	1	4	4.00	\$163.96
Detailed Statement to FRA Regarding Confidentiality of Previously Submitted Information to Agency (narrative request)	n/a	Buy America Component	1	8	8.00	\$327.92
Awardee Determination to make award before resolution of investigation one of this sections specified reasons (narrative request)	n/a	Buy America Component	1	40	40.00	\$1,639.60
Notification to FRA by Awardee to make award during pendency of investigation (narrative request)	n/a	Buy America Component	1	1	1.00	\$40.99
Request to FRA for Reconsideration of Initial Decision by Party Involved in Investigations (narrative request)	n/a	Buy America Component	1	80	80.00	\$3,279.20
Pre-Award Audit (narrative request)	n/a	Buy America Component	1	33	33.00	\$1,352.67

Final Contract between Awardee and Bidder/Offeror (narrative request)	n/a	Buy America Component	1	16	16.00	\$655.84
Post Award Audit (narrative request)	n/a	Buy America Component	1	256	256.00	\$10,493.44
Rolling Stock Domestic Content Improvement Plans (narrative request)	n/a	Buy America Component	1	120	120.00	\$4,918.80
Environmental Impact Statement (narrative request)	EIS	Awards & Maintenance	0	0	0	0
Environmental Assessment (narrative request)	EA	Awards & Maintenance	0	0	0	0
Categorical Exclusion Worksheet (FRA F 217)	FRA 217	Awards & Maintenance	75	156	11,700	\$479,583.00
Final Performance Report (FRA F 33)	FRA 33	Closeout	79	8	632.00	\$25,905.68
<b>TOTAL</b>			<b>6,570</b>	<b>1,286.02</b>	<b>30,809.50</b>	<b>\$1,303,871.41</b>

The average hourly salary rate for a respondent is \$40.99, based on an estimated median annual salary of \$85,260, per [U.S. Bureau of Labor Statistics for a Management Analyst 13-1111](#). Estimated total cost to respondent: 30,809.50 hours x \$40.99 per hour = \$1,303,871.41

### 13. Estimate of total annual costs to respondents.

Other than the hourly wage cost associated in question number 12 above, there are no additional cost to the respondents.

### 14. Estimate of cost to Federal Government.

The annual estimated cost to the Federal government is **\$1,531,126.43**. This estimate is based on burden of previous requests for grant applications; reporting, and closeout documentation; anticipated applications, awards, and reporting requirements; and an approximate salary rate of a federal employee at GS-14, Step 2<sup>1</sup> of \$60.67 per hour plus 75% to account for benefits. This cost was updated from the last submission to align with updated OPM 2021 salary changes which were effective January 2021. Additionally, the last submission included an error in ROCIS for the total estimate cost to the Federal Government. The total cost was entered into the ROCIS field incorrectly as \$1,426,997 when it should have been \$1,236,917.50.

Form Number	Form Name	Total Annual Responses	Average Time per Response	Frequency	Previous Total Federal Cost	Updated Federal Cost *
FRA F 35 and SF Forms	Grant Application Process	250	38.772	1	\$581,580.00	\$1,029,130.00
FRA F 251	Application for Federal Assistance (new requirement)	168	2	1	\$20,160.00	\$35,674.00
	Previous Printing Costs. 250 applications x 25 pages each				\$437.50	\$437.00

<sup>1</sup> Based on OPM Salary Table 2021-DCB, for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, effective January 2021, per <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB.pdf>. In addition, FRA incorporated the loaded rate of a federal employee, which increased the federal salary rate by 75%.

	application x 15 copies x one (1) cent per page  Current Printing Costs: 250 applications x 25 pages each application x 7 copies x one (1) cent per page = \$437.50 (Reduction of \$500.00)					
SF 425 New Awards	Federal Financial Report (125 new awardees submit each quarter; 125x4=500)	1364	0.25	1	\$20,460.00	\$36,205.00
SF 270	Request for Advance or Reimbursement	860	1	1	\$51,600.00	\$91,308.00
FRA F 252	Payment Summary Spreadsheet (New requirement)	860	0.5	1	\$25,800.00	\$45,654.00
FRA F 34 New Awards	Quarterly Progress Report (125 new awardees submit each quarter; 125x4=500)	125	1	4	\$30,000.00	\$53,086.00
FRA F 34 Existing Grantees	Quarterly Progress Report (216 existing awardees submit each quarter; 216x4=864)	216	1	4	\$51,840.00	\$91,733.00
FRA F 31	Grant Adjustment Request Form (GARF)	212	3	1	\$38,160.00	\$67,526.00
FRA F 32	Service Outcome Agreement (SOA) Annual Reporting	24	0.25	1	\$360.00	\$637.00
FRA F 229/Narrative Requests	Consolidated Buy American components, including FRA F 229	64	1	1	\$164,700.00	\$6,795.00
Narrative Request	Environmental Impact Statement	0	0	0	\$198,000.00	0
Narrative Request	Environmental Assessment	0	0	0	\$25,200.00	0
FRA F 217	Categorical Exclusion Worksheet	75	6	1	\$14,400.00	\$47,778.00
FRA F 33	Final Performance Report	79	3	1	\$14,220.00	\$25,163.00
<b>TOTAL</b>					<b>\$1,236,917.50</b>	<b>\$1,531,126.00</b>

\* Rounded to the nearest dollar.

## 15. Explanation of program changes and adjustments.

Additionally, as stated in question #14, in calculating the cost to the government, updated hourly wages were used for a GS-14, Step 2. Updates were based on the new GSA 2021 Pay Schedule located at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx>. In addition, FRA increased compensation rates by 75%. This is often referred too as the “loaded” rate for a federal employee.

**16. Publication of results of data collection.**

FRA has no plans to publish the collected information.

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

FRA is not seeking approval not to display the expiration date for OMB approval.

**18. Exception to certification statement.**

FRA does not request any exceptions to the certification statement.

## **APPENDIX:**

1. FRA F 35 Program Application Form (including Project Narrative and Statement of Work Instructions)
2. SF-424 Application for Federal Assistance
3. SF-424 A Budget Information - Non-Construction Programs
4. SF-424 B Assurances - Non-Construction Program
5. SF-424 C Budget Information - Construction Programs
6. SF-424 D Assurances - Construction Programs
7. SF-LLL Disclosure of Lobbying Activities
8. FRA F 30 Assurances and Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements
9. FRA F 229 NIST Manufacturing Extension Partnership Supplier Scouting – Federal Railroad Administration – Item Opportunity Synopsis
10. FRA F 34 Quarterly Progress Report
11. FRA F 31 Grant Adjustment Request Form
12. SF 425 Federal Financial Report
13. SF-270 Request for Advance or Reimbursement
14. FRA F 32 Service Outcome Agreement Annual Reporting (FRA Template)
15. FRA F 33 Final Performance Report (FRA Template)
16. FRA F 217 Categorical Exclusion Worksheet
17. FRA F 251, Applicant Financial Capability Questionnaire
18. FRA F 252, Payment Summary Spreadsheet