

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

SUPPORTING STATEMENT

**Fixed Guideway Capital Investment Grants (CIG) Program - Section 5309**

OMB Control No. 2132-0561

This supporting statement is associated with a request for an extension without change of a currently approved information collection (OMB# 2132-0561, “Fixed Guideway Capital Investment Grants (CIG) Program - Section 5309). This information collection request (ICR) is due to expire on June 30, 2022. Projects currently eligible for funding under this program include; smaller scaled corridor-based transit capital projects known as “Small Starts,” new fixed guideway transit systems and extensions to existing fixed guideway systems known as “New Starts,” and projects to improve capacity in existing fixed guideway corridors known as “Core Capacity.” The current Federal Public Transportation Law, 49 USC 5309, has not changed the statutorily defined project justification and local financial commitment criteria that are the subject of this information collection. In addition, the statutorily required approval steps for projects seeking CIG funds have not changed.

**1. Explain the circumstances that make information collection necessary.**

The Federal Transit Administration (FTA) administers the discretionary Capital Investment Grants (CIG) grant program under 49 U.S.C. Section 5309 that provides funding for major transit capital investments including rapid rail, light rail, commuter rail, bus rapid transit, and ferries. Federal transit law requires transit agencies seeking CIG funding to complete a series of steps over several years.

There are three types of eligible projects outlined in law: smaller scaled corridor-based transit capital projects known as Small Starts; new fixed guideway transit systems and extensions to existing fixed guideway systems known as New Starts; and projects to improve capacity in existing fixed guideway corridors known as Core Capacity. The criteria on which FTA is to evaluate and rate these projects are found in 49 U.S.C. Section 5309(d), (e), and (h). For New Starts and Core Capacity projects, the law requires completion of two phases in advance of receipt of a construction grant agreement – Project Development and Engineering. For Small Starts projects, the law requires completion of one phase in advance of receipt of a construction grant agreement – Project Development. The law also requires projects to be rated by FTA at various points in the process according to statutory criteria evaluating project justification and local financial commitment.

FTA is required by law to evaluate and rate proposed CIG projects as “high,” “medium-high,” “medium,” “medium-low,” or “low” and issue regulations and policy guidance on the manner in which proposed projects will be evaluated and rated.

The current Federal Public Transportation Law, 49 USC 5309, did not change the evaluation and rating process for the CIG program. The latest project evaluation and rating requirements for the CIG program are described in a January 2013 final rule. The final rule describes the manner in

which candidate CIG projects are evaluated and rated, and the before and after study requirements. It describes eligibility for the CIG program, the requirements for getting into and through the steps in the CIG process; and information on each of the project evaluation criteria including how they are calculated and the breakpoints for the various rating thresholds.

FTA needs to have accurate information on the status and projected benefits of proposed CIG projects so FTA may undertake the legislatively required evaluation and rating of project merit. As a discretionary program, the CIG program requires FTA to identify proposed projects that are worthy of federal investment, and are ready to proceed with project development, engineering, and construction activities. With a few exceptions, most of the information required by FTA from project sponsors is developed as part of the regular planning process used to select a locally preferred alternative and fulfill the National Environmental Policy Act (NEPA) requirements. However, some information required by FTA may be beyond the scope of ordinary planning activities undertaken by project sponsors. This has been taken into consideration in the burden hour calculations.

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

Projects sponsors seeking funding under the “Fixed Guideway Capital Investment Grants (CIG) Program - Section 5309” are State and local government agencies, including transit agencies across the Nation. There are typically 155 annual respondents that provide information to FTA in relation to the CIG program. This can include those seeking entry into the program or those systems that have already been approved for funding in the program but have to supply information as they advance through the various phases of the CIG process.

CIG project sponsors submit project information electronically to FTA for new and expanded rail bus rapid transit and ferry systems that reflect local priorities to improve transportation options in key corridors. FTA uses the information they provide to evaluate proposed CIG projects as required by law. FTA evaluates projects to: (1) decide whether proposed projects may advance into the various phases of the CIG process; (2) assign ratings to proposed projects for the *Annual Report on Funding Recommendations*; and (3) determine final ratings for CIG projects prior to award of a construction grant agreement.

**3. Describe to what extent the collection of information involves the use of automated or other technological data collection techniques, and any consideration of using information technology to reduce burden.**

FTA has tried to minimize the burden of the collection of information, and requests that project sponsors submit project evaluation data by electronic means. FTA has developed standard format templates [How to Apply | FTA \(dot.gov\)](#) for project sponsors to complete that automatically populate data used in more than one form. FTA then utilizes spreadsheet models to evaluate and rate projects based on the information submitted. In addition, FTA developed a simplified national model to estimate project trips based on simple inputs including census data and project characteristics rather than more detailed and complex regional travel forecasting models that project sponsors may choose to use at their option.

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

Where and when possible, FTA makes use of information already collected by CIG project sponsors as part of the planning process. For example, in determining how best to implement the Core Capacity provisions of the law, FTA developed measures for the evaluation criteria that are based on readily available, easily verifiable data in order to reduce the burden on both project sponsors and FTA. Warrants are also in place that eliminate the need for project sponsors to provide extensive data to FTA if the proposed CIG project can meet certain parameters.

However, as each proposed CIG project develops at a different pace, FTA has a duty to base its funding decisions on the most recent information available.

**5. Describe methods used to minimize burden on small businesses or other small entities.**

The burden applies only to public entities seeking CIG discretionary funding under Section 5309, most of which are not small entities. However, to help minimize the burden on any smaller entities that may wish to apply for CIG funding, FTA developed warrants for lower cost projects. Warrants are pre-qualification approaches that allow a proposed project to automatically receive a satisfactory rating on a given criterion based on the project's characteristics or the characteristics of the project corridor. In addition, the overall burden of the before and after data collection requirement is mitigated by rendering this work eligible for funding as part of the overall project.

**6. Describe the consequences to Federal program or other policy activities if collection were conducted less frequently.**

Data must be submitted for CIG projects seeking entry into the program and when they seek to move to the next phase in the process. For Small Starts, this includes when the project seeks to enter project development and when it seeks to obtain a construction grant agreement. For New Starts and Core Capacity projects, this includes when the project seeks to enter project development, when it seeks to enter engineering, and when it seeks a construction grant agreement.

Data is also generally collected annually for purposes of preparing the *Annual Report on Funding Recommendations*, a companion document to the President's annual budget request to Congress. However, project sponsors are not required to submit data in a given year for the *Annual Report* if the project has not experienced any significant changes in cost or scope since the last evaluation and the project is not seeking a funding recommendation in that year's budget.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.6.**

The information collected is consistent with 5 CFR 1320.6.

**8. Describe efforts to consult with persons outside the agency to obtain their views.**

A 60-day Federal Register notice was published on March 1, 2022, Vol. 87, No.40 (page 11508), soliciting comments prior for the approval of this information collection to submission to the Office of Management and Budget (OMB). No comments were received. The 30-day Federal Register notice was published on June 23, 2022 (Vol. 87, No.120 (page 37553). Both Federal Register Notices have been uploaded under the supplementary documents section of ROCIS.

Continuing contact between transit operators, State and local decision makers, and FTA staff provide opportunity for project sponsors to suggest changes to the process FTA uses to evaluate and rate projects seeking CIG funding. In its ongoing outreach efforts, FTA routinely participates at policy and planning committee meetings of the key transit industry group, the American Public Transportation Association, where it receives feedback on the process and how it is working.

FTA has consulted (and will continue to do so) with the transit industry and other stakeholders when developing supplemental guidance on the CIG project evaluation process to further lessen the burden of the statutory requirements.

Lastly, FTA has now produced a video available at [Capital Investment Grants Program Presentations | FTA \(dot.gov\)](#). This step-by-step video provides CIG respondents an overview of everything there is to know about the Capital Investment Program (CIG). This 49-minute presentation provides an in-depth training on project eligibility, completing steps in the process, and project evaluation and rating. It synthesizes the requirements in law, regulation, policy guidance and FTA's application procedures in an easy-to-understand format. Closed-captioned.

**9. Explain any decision to provide any payment or gift to respondents.**

No payment or gift is made to respondents.

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

In general, there is no assurance of confidentiality given regarding submission of the information collected. The data is used for determining eligibility for receipt of CIG grant funds and compliance with statutory requirements. All information collected is certified to comply with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108.

**11. Provide any additional information for questions of a sensitive nature.**

None of the information required is of a personal or sensitive nature.

**12. Provide an estimate of the hour burden of the collection of information and annualized cost to respondents.**

Total Annual Respondents: 155  
Total Annual Burden Hours: 68,840  
Total Annual Burden Cost: \$3,444,754

There are typically 155 annual respondents that provide information to FTA in relation to the CIG program. The table below indicates the hours and costs estimated to be incurred by sponsors of proposed CIG projects for each task. The estimates for total number of annual submissions are based on projected annual workload. The estimated average number of hours per task is based on information shared by a sample of project sponsors.

FTA estimates that the average salary of the respondent, typically an Urban/Regional Planner (occupation code 19-3051; [Urban and Regional Planners \(bls.gov\)](https://www.bls.gov)) has a median hourly wage of \$50.04 (hourly salary of \$39.09 weighted with a 28 percent benefits adjustment of \$10.95) according to the latest 2021 Bureau of Labor Statistics standard occupational classification system..

It is estimated to take respondents a total of 4,440 hours to prepare data submissions, evaluations, and ratings, resulting in a total cost of \$222,178.

It is estimated to take respondents a total of 64,400 hours to prepare before and after data collections, resulting in a total cost of \$3,222,576.

Therefore, the total cost to respondents is \$3,444,754.

**TOTAL PROJECT SPONSOR COST AND HOURS**

Task	#Annual Occurrences	Avg. Hours Per Occurrence	Total Hours	\$Total (total hours x 2021 BLS Labor Rate \$50.04)
<b>DATA SUBMISSIONS, EVALUATION AND RATINGS</b>				
<b>NEW STARTS</b>				
A) Project Development Request	10	8	80	4,003
B) Engineering Request	5	120	600	30,024
C) Annual Report	10	40	400	20,016
D) FFGA Approval	5	50	250	12,510
<b>Subtotal</b>			<b>1,330</b>	<b>66,553</b>
<b>SMALL STARTS</b>				
A) Project Development Request	20	8	160	8,006
B) Annual Report	15	80	1,200	60,048
C)SSGA Approval	10	40	400	20,016
<b>Subtotal</b>			<b>1,760</b>	<b>88,070</b>
<b>CORE CAPACITY</b>				
A) Project Development Request	10	10	100	5,004
B) Engineering Request	5	120	600	30,024
C) Annual Report	10	40	400	20,016
D) FFGA Approval	5	50	250	12,510
<b>Subtotal</b>			<b>1,350</b>	<b>67,554</b>
<b>DATA SUB, EVAL, AND RATINGS TOTAL</b>			<b>4,400</b>	<b>\$222,178</b>
<b>BEFORE AND AFTER DATA COLLECTION</b>				
<b>NEW STARTS</b>				
A) Data Collection Plan	5	40	200	10,008
B) Before Data Collection	5	3000	15000	750,600
C)Documentation of Forecasts	5	160	800	40,032
D)After Data Collection	5	3,000	15000	750,600
E) Analysis and Reporting	5	240	1200	60,048
<b>CORE CAPACITY</b>				
A) Data Collection Plan	5	40	200	10,008
B) Before Data Collection	5	3000	15000	750,600
C)Documentation of Forecasts	5	160	800	40,032
D)After Data Collection	5	3,000	15000	750,600
E) Analysis and Reporting	5	240	1200	60,048
<b>BEFORE AND AFTER TOTAL</b>			<b>64,400</b>	<b>\$3,222,576</b>
<b>TOTAL</b>			<b>68,840</b>	<b>\$3,444,754</b>

**13. Provide estimate of annualized cost to respondents or record keepers resulting from the collection of information (not including the cost of any hour burden shown in Items 12 and 14).**

There are no additional costs beyond what is shown in Items 12 and 14.

**14. Provide estimates of annualized cost to the federal government.**

Total annualized cost to the Federal Government: \$1,638,698

The average annual FTA staff hours estimated for each assessment used for reviewing data submissions, evaluations and ratings, and before and after data collections are based on professional judgment. The average FTA employee reviewing this information is a GS-13 step 1 (average salary \$51.18 per hour; [SALARY TABLE 2022-DCB \(opm.gov\)](#))

It is estimated to take FTA staff a total of 1,390 annual hours to review data submissions, evaluations, and ratings, resulting in a total cost of \$71,140.20

It is estimated to take FTA staff a total of 1,920 annual hours to review before and after data collections, resulting in a total cost of \$98,265.60.

Therefore, the total annual FTA staff cost is \$169,405.80.

There are additional costs to FTA for conducting evaluation and rating reviews performed under contract with financial and land use consultants, in support of the evaluation and rating process. The average cost for each finance and land use analysis per occurrence is based on actual average costs in federal fiscal year 2021. The cost per occurrence may be lower or higher depending on the level of analysis needed. The number of annual reviews is based on professional judgment and the most current experience.

The average land use analysis costs \$9,852 per review. It is estimated that 30 reviews are needed per year, resulting in a total cost of \$295,560.

The average financial rating analysis costs \$20,225 per review. It is estimated that 34 reviews are needed per year, resulting in a total cost of \$687,650.

The average detailed financial analysis, which is a pre-requisite to Full Funding Grant Agreement (FFGA) approval for New Starts and Core Capacity projects only, costs \$71,004 per review. It is estimated that nine reviews are needed per year, resulting in a total cost of \$639,036.

Therefore, the total annual FTA contractor cost is \$1,622,246.

Thus, the total annualized cost to the Federal Government is **\$1,791,651.80**.



**15. Explain the reasons for any program changes or adjustments reported on the OMB Form 83-I.**

This information collection request does not reflect any changes in the number of respondents or burden hours. The only increase associated with this information request is an increase in cost to both the respondent and federal government because of updated median hourly wages listed by the most recent data from the Bureau of Labor Statistics (BLS) and the Office of Personnel Management (OPM).

**16. Outline plans for tabulations and publication and address any complex analytical techniques that will be used.**

The project evaluation data will continue to be published as part of the *Annual Report on Funding Recommendations* (49 USC Section 5309(o) (1)). A copy of the Annual Report for Funding Recommendation 2023 has been uploaded into ROCIS with this information collection request renewal under the supplementary documents. Data collected for Before and After Study purposes will continue to be published on FTA's website at [Guidance on Before-and-After Studies of New Starts Projects | FTA \(dot.gov\)](#). Data from both activities may also be used for a variety of purposes that support the agency's mission.

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

Not applicable.

**18. Explain each exception to the certification for Paperwork Reduction Act submissions of Form 83-I.**

Not applicable.