

U.S. Department of Transportation
“Disadvantaged Business Enterprise Program and
Airport Concession Disadvantaged Business Enterprise Program Modifications”

SUPPORTING STATEMENT- July 21, 2022

Introduction

As required by the Paperwork Reduction Act (PRA) of 1995 (Pub. L. 104-13, 49 U.S.C. 3501, 3507) the U.S. Department of Transportation (Department/DOT) requests the Office of Management and Budget’s (OMB) approval of information collection instruments in the Department’s Notice of Proposed Rulemaking (NPRM).¹ The proposed changes in the NPRM seek to update the Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) program regulations at 49 CFR Parts 26 and 23. The proposed changes in the NPRM include new collection instruments as well as updates to existing collection instruments.

This Supporting Statement includes five DBE program collection instruments for which OMB renewed approval on March 1, 2022.² The Department is including them in this Supporting Statement because the NPRM would modify the paperwork burdens associated with those instruments. On March 10, 2022, OMB took under consideration the Department’s request for an OMB Control Number for an additional 18 DBE program information collection instruments that had not previously been submitted for OMB’s approval;³ as of the date of the submission of this Supporting Statement, approval from OMB is pending. On April 27, 2022, OMB took

¹ Docket No. DOT-OST-2022-0051/RIN 2105-AE98

² OMB Control No. 2105-0510. The instruments are the Uniform Report of DBE Awards or Commitments and Payments, Uniform Certification Application, Annual Affidavit of No Change, Personal Net Worth Statement, and Percentages of DBEs in Various Categories.

³ ICR Reference No: 202203-2105-001. Since the additional 18 collection instruments were not previously submitted for OMB’s approval, the Department was advised to classify them as “new.” The Department wishes to clarify that the instruments are not, in fact, new; rather, they are existing requirements in 49 CFR Part 26.

under consideration the Department's request for an OMB Control Number for an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program information collection that had not previously been submitted for approval (ICR Reference No: 202204-2120-002). As of the date of the submission of this Supporting Statement, approval from OMB is pending.

1. Circumstances that make the collection of information necessary. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each section of each statute and regulation mandating or authorizing the collection of information.

The Bipartisan Infrastructure Law (BIL, enacted as the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021)) states that Congress continues to find that there is a compelling need for the continuation of the DBE program. The statutory provision authorizing the DBE Program as it relates to airport financial assistance programs is 49 U.S.C. 47113. The statutory provisions authorizing the ACDBE program are 49 U.S.C. 47107(e), 42 U.S.C. 2000d, and 49 U.S.C. 322. It is also authorized by Executive Order 12138. The regulations governing the DBE and ACDBE Programs are set forth respectively at 49 CFR Parts 26 and 23.

1. ACDBE small business element – proposed new requirement

There is a lack of concession opportunities of a size and nature for which small businesses, including ACDBEs, can fairly compete. The Department believes that adding a small business element to the ACDBE program would help remove barriers that prevent ACDBEs from participating in airport concession projects. The Department is aware of the success of airport DOT-funding recipients in achieving race neutral participation from

small, disadvantaged businesses through implementation of a small business element. Accordingly, the Department believes that the inclusion of a small business element in the ACDBE program for concessions is warranted. Therefore, the Department proposes requiring recipients to create a small business element for their ACDBE programs that would be specifically designed to foster small business participation. For purposes of monitoring compliance, recipients would be required to periodically report on the implementation of their race neutral strategies.

2. ACDBE active participants list – proposed new requirement

The proposed rule at 49 CFR § 23.27(c) would require recipients to collect and report active participant data about ACDBE and non-ACDBE firms seeking to participate in concession opportunities. The information to be submitted with their proposals or initial responses to negotiated procurements would include firm name; firm address; firm status as an ACDBE or non-ACDBE; race and gender information for the firm's majority owner; the North American Industry Classification System (NAICS) code(s) applicable to each type of work the firm sought to perform in its proposal; age of the firm; and the annual gross receipts of the firm.

3. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – proposed new form

The proposed rule would add a new paragraph to 49 CFR § 23.27 requiring State departments of transportation, on behalf of their Unified Certification Program (UCP) members, to include ACDBE data in the reports they submit annually to the Department. This data collection would provide the Department a yearly snapshot of the numbers and

percentages of ACDBEs in various categories. The data collection would be comprised of the number and percentage of in-state and out-of-state ACDBE certifications by gender and ethnicity; number of ACDBE certification applications received from in-state and out-of-state firms and the number of those found eligible and ineligible; number of in-state and out-of-state ACDBEs decertified and/or summarily suspended; number of in-state and out-of-state ACDBE certification applications received for an individualized determination of social and economic disadvantage status; and the number of in-state and out-of-state firms whose owner(s) successfully made an individualized showing of social and economic disadvantage.

4. Long-term exclusive (LTE) agreements – proposed modification of existing requirement

Section 23.75(a) of 49 CFR Part 23 prohibits recipients from entering into long-term, exclusive agreements for concessions except under very limited conditions and with prior approval from the Federal Aviation Administration (FAA). The reason for this general prohibition is to limit situations in which an entire category of business activity is not subject to competition for an extended period through the use of an LTE agreement. Stakeholders have suggested that the 5-year term in the definition contained in 49 CFR § 23.75(a) is too short. As an alternative, they suggested that “long-term” be re-defined to a minimum of 10 years to be consistent with industry standards. Recipients would submit to FAA a copy of a lease agreement only in instances in which the term of the agreement would be 10 years or longer and if the agreement is exclusive. Recipients and the FAA would continue to maintain copies of the agreements.

5. Personal Net Worth (PNW) Statement – proposed modification of current form

The PNW Statement is necessary to implement the requirement found in 49 CFR § 26.67(a)(2) that a firm applying for DBE and/or ACDBE certification must attest that the PNW of the qualifying owner does not exceed the regulation's limit and complete and submit a corroborating PNW Statement. This allows recipients to determine whether the owner of an applicant firm is truly economically disadvantaged. A requirement for DBE and/or ACDBE certification is that the majority owner(s) of an applicant or certified firm be socially and economically disadvantaged (SED). Verifying that the owner(s) claiming to be SED has a PNW below the regulatory cap is necessary to ensure that only qualified firms are certified and that the DBE/ACDBE programs are narrowly tailored. This protects the integrity of the programs.

6. Uniform Certification Application (UCA) – proposed modification of current form

The UCA is necessary to comply with 49 CFR § 26.83(c)(7)(i). Completion and submission of the UCA by DBE and/or ACDBE certification applicants is necessary for certifying agencies in the Unified Certification Programs (UCPs) to determine whether a particular firm qualifies for certification. To qualify, applicants must demonstrate that the firm is owned and controlled by an individual(s) who is socially and economically disadvantaged. The individual(s) must have majority ownership of the firm. The firm must also meet the regulation's business size standard. Applicants must provide all of that information in the UCA. This collection is the first step in determining whether applicant firms fully meet the programs' certification eligibility requirements.

7. Annual Affidavit of No Change (to be renamed Declaration of Eligibility (DOE)) – modification of current form

Section 26.83(j) of 49 CFR Part 26 requires DBEs and ACDBEs to annually attest, under penalty of perjury, that they remain eligible for DBE and/or ACDBE certification. Since DBE and ACDBE certification does not expire, certified firms do not reapply for certification. The DOE (along with information documenting the firm's gross receipts) is the only information DBEs and ACDBEs are required to regularly submit to maintain their certification. Thus, this collection instrument is necessary to ensure the integrity of the DBE and ACDBE programs.

8. Maintaining and updating bidders lists – proposed modification of existing requirement

Section 26.11 and Appendix B of 49 CFR Part 26 require DOT funding recipients to create and maintain a list of all bidders who bid on their DOT-funded contracts. The purpose of the list is to provide recipients as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on DOT-assisted contracts. The lists also help recipients set their overall contract goals for DBE participation. Currently, all bidders list information is obtained and maintained locally by each recipient and is not reported to the Department. As a result, the data is disaggregated among nearly 1,200 recipients in a wide variety of formats and may contain a variety of different data points. In a standardized and centralized format, this data could be of great value to the Department in evaluating the extent to which the DBE program is achieving its objectives. A centralized database, searchable by recipients, would also improve the viability of the bidders list method described in 49

CFR § 26.45(c)(2) as a means for recipients to identify DBE availability during the first step of the overall goal setting process. Therefore, the Department proposes revising 49 CFR § 26.11(c) to require recipients to obtain and enter bidders list data into a centralized database that would be specified by the Department.

9. Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report) – proposed modification of current form

Submission of the MAP-21 Data Report is required by 49 CFR. § 26.11(e). The MAP-21 Data Report is necessary to implement a long-standing statutory requirement that State departments of transportation report the percentages of White women, minority men, and minority women who own and control DBE firms.

10. Updating and maintaining State directories of DBE and ACDBE firms – proposed modification of existing requirement

Section 26.81(g) of 49 CFR Part 26 requires recipients to update and maintain a directory of DBE and ACDBE firms. Section 26.31 lists the information that must be included for each firm. The primary purpose of the directories is for prime contractors to identify and contact DBE and/or ACDBE firms that are ready, willing, and available to participate in subcontracting opportunities. Prime contractors need sufficient identifying information to do so.

11. DBE Performance Plan (DPP) – proposed new requirement

The Department proposes to revise § 26.53(e) to require recipients requesting proposals for a design-build project to require a design-builder to submit a DPP with its proposal.

The DPP would replace the need to commit to specific DBE firms or submit “good faith efforts” at the time of the proposal or prior to final selection. The Department believes this method would result in greater opportunities for DBE firms to participate in design-build projects.

12. Mailing and maintaining copies of notices of summary suspension – proposed modification of existing requirement

Section 26.88 of 49 CFR Part 26 allows recipients, in limited circumstances, to summarily suspend a firm’s certification. The regulation explains that if a recipient does so, the recipient must immediately notify the firm of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the firm. If the owner(s) responds to the notice with information demonstrating that the firm remains eligible, the recipient must respond in writing and explain how it intends to proceed. The Department proposes to remove the requirement of mailing the notice by certified mail and replace it with a requirement to email the notice.

13. Uniform Report of DBE Awards or Commitments and Payments (Uniform Report) – proposed modification of current form

The Uniform Report is required by 49 CFR §§ 26.11 and 26.47. The Department collects much of its DBE utilization data from the Uniform Report. Recipients annually submit it to the Operating Administration(s) (OA) from which they receive funding.

Without the Uniform Report, the Department would not be able to carry out its program oversight responsibilities, as there is no other method for obtaining this data from DOT funding recipients about their DBE programs.

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

1. ACDBE small business element – proposed new requirement

The FAA would use the information to monitor whether recipients are taking active and effective steps to increase small business participation in concession opportunities.

2. ACDBE active participants list – proposed new requirement

FAA funding recipients would use this information to collect the most accurate data possible about the universe of ACDBE and non-ACDBEs that seek to participate in their airport concessions programs and to set their overall goals.

3. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – proposed new form

The information in this proposed collection instrument would allow the Department to gain a deeper understanding of the firms that participate in the ACDBE program and how those firms compare with the rest of the airport concession community. This data collection would also allow the Department to conduct detailed trend analyses of changes in ACDBE participation levels and assess the ACDBE program's overall success.

4. LTE agreements – proposed modification of existing requirement

The FAA would use the information collected under this instrument to carry out required oversight responsibilities to determine whether special local circumstances warrant approval of an LTE agreement.

5. PNW Statement – proposed modification of current form

Recipients evaluate PNW Statements submitted by the socially and economically disadvantaged owner(s) of applicant firms seeking DBE and/or ACDBE certification. This is critical in helping ensure that the owner(s) claiming social and economic disadvantage are, in fact, economically disadvantaged. The DBE and ACDBE regulations require that owners be both socially and economically disadvantaged.

6. UCA – proposed modification of current form

Businesses that wish to become certified as a DBE and/or ACDBE submit this information to recipients' certifying agencies. The precise method of submission varies by recipient, but most applications, including the notarized form and necessary attachments, are submitted electronically. The certifying agency then evaluates the UCA to determine whether the applicant firm meets the certification requirements set forth in 49 CFR Parts 23 and 26. In so doing, a certifying agency determines whether, among other factors, that the applicant firm does not exceed the mandatory gross receipts caps and is owned and controlled by a socially and economically disadvantaged individual(s) whose personal net worth does not exceed the current cap. If the recipient is satisfied by the information provided in this collection, it will certify the applicant firm as a DBE and/or ACDBE. The information provided in this collection instrument will also be used as a basis for DOT to determine whether a recipient correctly rejected an application in the event that the rejected firm appeals the rejection to the Department.

7. Annual Affidavit of No Change (to be renamed Declaration of Eligibility (DOE)) – proposed modification of current form – modification of current form

Recipients review this form, submitted annually by certified firms, to confirm that they continue to meet DBE and/or ACDBE certification requirements.

8. Maintaining and updating bidders lists – proposed modification of existing requirement

Recipients use the bidders lists to more accurately determine the availability of DBE and non-DBE firms and to measure the relative availability of ready, willing, and able DBEs when setting their overall goals under 49 CFR 26.45. The Department seeks to revise the current bidders list requirement so that bidders lists would collectively build a data source that would allow more accurate and more granular analysis of firms actively seeking to participate in DOT-funded contracts. In addition, a searchable, centralized database with bidders list information that includes an expanded dataset would aid recipients in evaluating DBE availability for goal setting purposes.

9. MAP-21 Data Report – proposed modification of current form

The Department uses this statutorily required information to respond to public and governmental questions regarding the DBE Program, determine which States may need assistance in conducting outreach to DBEs, and assist in determining whether States' DBE goals are in line with the current make-up of DBE availability.

10. Updating and maintaining State directories of DBEs and ACDBEs – proposed modification of existing requirement

The primary purpose of the directories is to show the results of the certification process, i.e., all firms that the recipient has certified. Since DBE and/or ACDBE certification pertains to the various kinds of work a firm's disadvantaged owner can control (as described in 49 CFR § 26.71), it is important to list those kinds of work in the directories. Prime contractors use the information to find potential DBE subcontractors.

11. DPP – proposed new requirement

Recipients would use the information in DPPs to confirm whether a proposer on a design-build project has provided adequate commitment to meet the project's DBE goal by providing details of the types of work and projected dollar amounts a contractor would solicit DBEs to perform. Recipients would also review each DPP to ensure that it includes an estimated time frame in which subcontracts with DBEs for the anticipated work categories would be executed. Once a contract is awarded, recipients would monitor the good faith efforts of the contractor to execute contracts with DBEs per the type of work and schedule in the DPP as project details become known.

12. Mailing and maintaining copies of notices of summary suspension – proposed modification of existing requirement

When a recipient summarily suspends a firm's DBE certification, the recipient must immediately notify the firm of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the firm. If the owner(s) responds to the notice with information demonstrating that the firm remains eligible, the recipient must respond in writing and explain how it intends to proceed.

13. Uniform Report – proposed modification of current form

The Uniform Report is collected bi-annually from funding recipients of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), and annually from FAA funding recipients, to enable DOT to conduct program oversight of recipients' DBE programs and to identify any trends or problem areas. The FAA, FHWA, and FTA all use an electronic collection system to obtain these reports. The form requires recipients to include information about their DBE goals for that year and the DBE participation they managed to achieve during that time. The collection of this information is necessary to ensure that the DBE program is achieving its goal of encouraging DBE participation in DOT-funded contracts.

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

All of the information in this Supporting Statement can be collected electronically. DOT permits electronic submissions so that respondents have as much flexibility as possible in deciding how to collect, maintain, share, and submit information, as they are in the best position to decide what is least burdensome and most efficient for them.

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.

The information in each of the collection instruments in this Supporting Statement is unique and is not available elsewhere because no other agency, including the SBA, administers a DBE or ACDBE program. Some firms already have SBA 8(a) certification when they apply for DBE or ACDBE certification. However, the 8(a) program's information submission and eligibility requirements are not identical.

5. Efforts to minimize the burden on small businesses. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

1. PNW Statement – proposed modification of current form

The proposed modifications would decrease the hours and cost burdens for small businesses to fill out and submit the and submit the PNW Statement. The decreased burdens would result from the proposed modifications to eliminate the requirement for notarization of the form, as well as removing the requirement for socially and economically disadvantaged owners of applicant firms to calculate and provide the value of their retirement assets.

2. UCA – proposed modification of current form

The proposed modifications would reduce the hours and costs burden for small businesses to fill out and submit the UCA because the Department is proposing to add clarified instructions that applicants previously misunderstood, and eliminating the requirement for the UCA to be notarized.

3. Annual Affidavit of No Change (to be renamed Declaration of Eligibility (DOE)) – modification of current form

The proposed elimination of the current notarization requirement would reduce the estimated total annualized hours burden for small businesses that apply for DBE and/or ACDBE certification from 95,000 hours to 22,762 hours.

4. Mailing and maintaining copies of notices of summary suspension – proposed modification of existing requirement

The proposed modifications would reduce the hours and cost burdens for certifying agencies by eliminating the current requirement that certifying agencies send summary suspension notices by certified mail. The proposed modification states that certifying agencies would have to exclusively send the notices by email, a method that has extremely minimal hours and cost burdens.

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

The DBE and ACDBE programs' overarching goal is to create and maintain equity in contracting opportunities in the Department's highway, mass transit, and airport financial assistance programs. Both programs are necessary to prevent discrimination, and remedy the effects of past discrimination, against small businesses that are owned and controlled by Asian Pacific Americans, Subcontinent Asian Americans, Hispanic Americans, Black Americans, Native Americans, and women. Members of those groups are rebuttably

presumed socially and economically disadvantaged. Individuals who are not a member of any of those groups are eligible for DBE certification if they demonstrate social and economic disadvantage on an individualized basis. The collection instruments described in this Supporting Statement are necessary to ensure that State and local recipients that let federally assisted contracts carry out their mandated responsibility of creating a level playing field for small businesses owned and controlled by socially and economically disadvantaged individuals. Eliminating these collection instruments and/or conducting them less frequently would hinder the Department's compliance and oversight efforts.

7. Special Circumstances. 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 secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

LTE agreements

Section 23.75 (a) 49 CFR Part 23 prohibits respondents from entering into LTE concessions agreements without prior FAA approval. A recipient may have to collect information required by this section on a more frequent basis than quarterly if it intends to enter into more than one LTE for concessions per year. Doing so less than quarterly would hinder the Department's efforts to monitor whether recipients are properly and fully complying with program requirements. This is critical to achieving the overarching goal of preventing discrimination in Federally funded projects.

8. Compliance with 5 CFR §1320.8(d). If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR §1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

DOT's Departmental Office of Civil Rights and counterparts at the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) developed these proposed changes after the Department solicited and received feedback from a broad range of stakeholders, hosted listening sessions, conducted internal research, and analyzed Congressional inquiries following the ACDBE program regulation updates in 2012 and the DBE program regulation updates in 2012. Efforts to obtain burden estimates are described below in question 12.

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

DOT does not provide any payment or gift to respondents.

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

Section 26.109(a) of 49 CFR Part 26 (applicable to both the DBE and ACDBE programs) explains that in responding to requests for information concerning any aspect of the DBE program, the Department complies with the applicable provisions of the Freedom of Information Act (FOIA). The Department may make available to the public any information concerning the DBE program in accordance with federal law. Recipients must not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. Recipients must, however, transmit this information to DOT in any certification appeal proceeding under 49 CFR § 26.89 or to any recipient in a state to which the individual's firm has applied for interstate certification under 49 CFR § 26.85.

11. Justification for collection of sensitive information. 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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from the information is requested, and any steps to be taken to obtain their consent.

No instruments in this information collection ask for sensitive information.

12. Estimate of burden hours for information requested. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the **number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.** Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.** The case of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

Recipient staff hourly wage rate is taken from the BLS estimate of an Eligibility Interviewer in Government Programs (OEWS Designation). The wage rate is multiplied by 1.62 to get a fully loaded hourly wage rate of \$34.77 to account for the cost of employer provided benefits. For State and local government workers, wages represent 61.9% of total compensation in 2020; therefore, the multiplier is 1.62 (1/0.619). Applicant and certified firm hourly wage rate is taken from the BLS national estimates for the designation 43-9061 Office Clerks, General. The national estimated hourly wage rate is \$18.75. The wage rate is multiplied by 1.62 to get a fully loaded hourly wage rate of \$30.38 to account for the cost of employer provided benefits.

1. ACDBE small business element - proposed new requirement

- *Affected public:* Primary airports
- *Number of respondents:* 396
- *Frequency of response:* once each year

- *Estimated average annualized hours burden per response: 5.6*
- *Estimated total annualized hours burden: 2,217.6*
- *Annualized burden hours estimate source: average of 3 responses ranging from 3 – 80 hours*
- *Estimated annualized cost for respondents based on wage rate category: \$77,105.95 total / \$194.71 per respondent*

2.1 ACDBE active participants list – proposed new requirement

- *Affected public: Primary airports*
- *Number of respondents: 396*
- *Frequency of response: once each year*
- *Estimated average annualized hours burden per response: 42*
- *Estimated total annualized hours burden: 16,632*
- *Annualized burden hours estimate source: average of three airport responses ranging from 16 – 60 hours*
- *Estimated annualized cost for respondents based on wage rate category: \$578,294.64 total / \$16,632 per respondent*

2.2 ACDBE active participants list – proposed new requirement

- *Affected public: ACDBE and non-ACDBEs that seek to work on concession opportunities*
- *Number of respondents: 3,954*
- *Frequency of response: once each year*

- *Estimated average annualized hours burden per response: .5*
- *Estimated total annualized hours burden: 1,977*
- *Annualized burden hours estimate source:* The FAA estimates that it will take no more than .5 hours for firms to submit their firm name, address (including zip code), status as an ACDBE or non-ACDBE, race and gender information for the firm's majority owner, the NAICS code(s) applicable to each scope of work the firm sought to perform in its proposal, the age of the firm, and the firm's annual gross receipts.
- *Estimated annualized cost for respondents based on wage rate category:* \$60,061.26 total / \$15.19 per respondent

3. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – proposed new requirement

- *Affected public:* 49 State departments of transportation, District of Columbia, and Puerto Rico
- *Number of respondents:* 51
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 318
- *Estimated total annualized hours burden:* 16,218
- *Annualized burden hours estimate source:* The new annual reporting requirement of percentages of ACDBEs in various categories is the equivalent to the MAP-21 reporting requirement in 49 CFR Part 26; thus, the FAA forecasts that this proposed new requirement for 49 CFR Part 23 would have identical hours and cost burdens to those of 49 CFR Part 26.

- *Estimated annualized cost for respondents based on wage rate category:*
\$563,899.86 total / \$11,056.86 per respondent

4. LTE agreements – proposed modification of existing requirement

The proposed changes would reduce the current hours and cost burdens because it would remove the requirement to provide documentation and/or information that respondents have reported is unclear and/or not feasible to obtain.

- *Affected public:* Recipients of FAA grants for Airport Development
- *Number of respondents:* 7
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 35.09
- *Estimated total annualized hours burden:* 245.63
- *Annualized burden hours estimate source:* The FAA contacted 3 recipients to estimate the difference in total annual burden hours between the current requirement and the proposed modification of the requirement. The responses received indicated a decrease in the estimated average annualized hour burden per response ranging from 4 – 16 hours; the average reduction in average annualized hours burden per response is 8.66.
- *Estimated annualized cost for respondents based on wage rate category:* \$8,540.56 total / \$1,220.08 per respondent

On April 27, 2022, OMB took under consideration the Department's request for an OMB Control Number for an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program information collection that had not previously been submitted for approval (ICR Reference No: 202204-2120-002). The Supporting Statement for that collection provides the following burden information for this instrument:

- *Respondents:* Recipients of FAA airport development grants
- *Number of respondents:* 7
- *Frequency of response:* once each year
- *Number of responses:* 7
- *Total annual burden hours:* 43.75
- *Total annual burden costs:* \$2,180

The April 27, 2022 Supporting Statement also provides the following explanation:

“The FAA received total annual burden hours from eight respondents, two of each hub size (nonhub, small, medium and large), ranging from 0 to 20 hours. The average burden hour per response, based on the information received from the eight respondents, is 6.25 hours. The FAA estimated the total annual cost burden by multiplying the total annual burden hours (6.25) hours x 7 responses = 43.75) against the fully loaded state government wage rate of \$49.83.”

After submitting the Supporting Statement to OMB on April 27, 2022, the FAA calculated that for the *current* requirement for LTE agreements (based on the information in the quoted paragraph above) the estimated average annualized hours burden per response is 6.25. The estimated total annualized hours burden is 43.75. The estimated annualized cost for respondents based on wage rate category is \$2,180.06 total / \$311.44 per respondent.

5. PNW Statement – proposed modification of current form

The proposed modifications would reduce the hours and cost burdens because the modification proposes elimination of the current notarization requirement.

- *Affected public:* DBE and ACDBE certification applicants
- *Number of respondents:* 9,500
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 4
- *Estimated total annualized hours burden:* 38,000
- *Annualized burden hours estimate source:* DOT contacted consultants who assist applicant firms apply for certification, are therefore familiar with the overall requirements of the PNW Statement, and are also familiar with the time required to get the PNW Statement notarized.
- *Estimated annualized cost for respondents based on wage rate category:* \$1,154,440 total / \$121.52 per respondent

OMB renewed its 2018 approval of the PNW Statement on March 1, 2022 (OMB Control No. 2105-0510). OMB approved the following burden information:

- *Affected public:* DBE and ACDBE certification applicants
- *Number of respondents:* 9,500
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 10
- *Estimated total annualized hours burden:* 95,000

- *Annualized burden hours estimate source:* The estimated burden hours were based on the Department’s outreach to 5 consultants who assist applicant firms fill out the PNW Statement and gather any financial documents necessary for doing so. Two consultants responded and the estimates are based on the average of the numbers they provided. However, based on experience and periodic feedback from firms, the Department believes that 10 hours is a high estimate and that most firms would need no more than 5 hours.

6. UCA – proposed modifications of current form

The proposed modifications would reduce the estimated average total annualized hours burden of the UCA from 380,000 to 332,500 because the Department would clarify instructions that applicants seem to regularly misunderstand, enhance the consistency of terminology used throughout the UCA, and remove outdated terminology. DOT is also proposing to eliminate the notarization requirement.

- *Affected public:* DBE and ACDBE certification applicants
- *Number of respondents*⁴: 9,500

⁴ In December 2020 the Department contacted a small number of recipients to obtain estimates of how many applications (“responses”) they receive each month; their estimates ranged from 5 – 80 per month. The number of applicants (“respondents”) varies significantly among the jurisdictions that have a DBE and/or ACDBE program. There are likely several reasons for the variance. DOT infers that the frequency of submissions at times varies according to construction season, e.g., high number of applications when the construction season is over; the contracting opportunities available in the marketplace; and the number of new transportation-related business formations or expansions. Jurisdictions that have a high DBE and/or ACDBE applicant pool may receive a higher

- *Frequency of response:* once
- *Estimated average annualized hours burden per response:* 35
- *Estimated total annualized hours burden:* 332,500
- *Annualized burden hours estimate source:* DOT is familiar with the time required for notarization from speaking with consultants who assist applicants fill out and submit their UCA.⁵ In addition, firms periodically contact DOT about how generally time-intensive the process is; however, they do not provide actual numbers of hours or costs.
- *Estimated annualized cost for respondents based on wage rate category:*
\$10,101,350 total / \$1,063.30 per respondent

OMB renewed its 2018 approval of the UCA on March 1, 2022 (OMB Control No. 2105-0510) based on the following burden information:

- *Affected public:* DBE and ACDBE certification applicants
- *Number of respondents:* 9,500
- *Frequency of response:* once

number of submissions, whereas jurisdictions in remote geographic areas with smaller numbers of firms may have lower applicant requests for DBE and/or ACDBE certification.

⁵ It is the Department's understanding that gathering documents is a regulatory burden, whereas the PRA-related burdens are the hours and costs for filling out the fields in the UCA and uploading the UCA into an electronic portal that recipients maintain. DOT infers that the consultants included both regulatory and paperwork burdens in their hours burden estimates. Assuming the Department's understanding is correct, it is estimated that the average annualized hours burden per response is closer to 10 hours.

- *Estimated average annualized hours burden per response: 40*
- *Estimated total annualized hours burden: 380,000*
- *Annualized burden hours estimate source: DOT contacted a small number of consultants who assist firms with completing the UCA. The consultants estimated that the total burden hours per applicant to fill out the UCA and gather the supporting documentation to be approximately 40 hours.*

7. Annual Affidavit of No Change (to be renamed Declaration of Eligibility (DOE)) – proposed modification of current form

The proposed elimination of the current notarization requirement would reduce the estimated total annualized hours burden from 95,000 to 22,762.5.

- *Affected public: DBE and ACDBE firms*
- *Number of respondents: 45,525*
- *Frequency of response: once each year*
- *Estimated average annualized hours burden per response: .5*
- *Estimated total annualized hours burden: 22,762.5*
- *Annualized burden hours estimate source: In preparing the renewal request to OMB (see below for details), DOT contacted five consultants who are familiar with what this collection instrument involves. One consulted responded. Based on discussion with that consultant, DOT reached the estimate associated with the proposed modification.*
- *Estimated annualized cost for respondents based on wage rate category:
\$691,524.75 total / \$15.19 per respondent*

On March 1, 2022, OMB renewed its 2018 approval of the Annual Affidavit of No Change (OMB Control No. 2105-0510) based on the following burden information:

- *Affected public:* DBE and ACDBE firms
- *Number of respondents:* 45,525
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 2
- *Estimated total annualized hours burden:* 95,000
- *Annualized burden hours estimate source:* In December 2020, DOT contacted 5 consultants who are familiar with what this collection instrument involves. One consulted responded.

8. Maintaining and updating bidders lists – proposed modifications of existing requirement

- *Affected public:* DOT funding recipients
- *Number of respondents:* 1,198
- *Frequency of response:* 3 times each year
- *Estimated average annualized hours burden per response:* 8
- *Estimated total annualized hours burden:* 28,752
- *Annualized burden hours estimate source*⁶: DOT estimates that the average annualized hours burden per response for the current bidders list requirement is 6

⁶ In December 2020, DOT contacted 4 recipients to obtain hours burden estimates for the current bidders list requirement. The recipients provided estimates ranging from 150 – 9,200 hours; the average of those estimates is

hours – and not 71 hours as reported in the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001). The Department revised the estimate for this Supporting Statement after reaching out to a small number of stakeholders and further consultation with OA staff who are subject matter experts. We estimate an additional 2 hours per response because of the large size range of recipients and variance in the number and size of contracts they each let per year. The additional tasks for each response include entering information into additional data categories, i.e., race and gender information for the firm’s majority owner, and the NAICS code(s) applicable to each type of work the firm seeks to perform related to that bid.

- *Estimated annualized cost for respondents based on wage rate category:*
\$2,999,121,12 total / \$834.48 per respondent

In the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001) DOT reported the following burden information:

- *Affected public:* DOT funding recipients
- *Number of respondents:* 1,198
- *Frequency of response:* 3 times each year
- *Estimated average annualized hours burden per response:* 71
- *Estimated total annualized hours burden:* 254,174

71 hours per response, resulting in 255,174 estimated total annualized hours burden. The Department believes that the burden estimates that recipients provided include regulatory burden numbers, and not just paperwork burdens.

- *Annualized burden hours estimate source:* Average of 4 recipient responses ranging from 150 – 9,200 hours
- *Estimated annualized cost for respondents based on wage rate category:* \$8,872,399 total / \$2,468.67 per respondent

9. Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report) – proposed modification of current form

The proposed changes in the NPRM would increase the hours and costs burdens because respondents would have to provide more data than what is asked for on the current form.

As explained above in questions 1 and 2, the additional data would help accomplish critical aspects of the DBE program and comply with the Secretary’s request for more detailed data.

- *Affected public:* State departments of transportation, District of Columbia, and Puerto Rico
- *Number of respondents:* 52
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 318
- *Estimated total annualized hours burden:* 16,536
- *Annualized burden hours estimate source:* The Department contacted a small number of State departments of transportation.
- *Estimated annualized cost for respondents based on wage rate category:* \$574,956.72 total / \$11,056.86 per respondent

OMB renewed its 2018 approval of the DOE on March 1, 2022 (OMB Control No. 2105-0510) based on the following burden information:

- *Affected public:* State departments of transportation, District of Columbia, and Puerto Rico
- *Number of respondents:* 52
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 315
- *Estimated total annualized hours burden:* 16,380
- *Annualized burden hours estimate source:* DOT contacted 6 State departments of transportations and asked them to provide estimates. There was vast variance in the estimates they provided, ranging from 3 hours to 915 hours.⁷ The average of their estimates was 315.
- *Estimated annualized cost for respondents based on wage rate category:*
\$569,532.60 total/ \$10,952 per respondent

10. Updating and maintaining State directories of DBE and ACDBE firms – proposed modification of existing requirement

The proposed modifications would increase the hours and cost burdens because it would require recipients to include additional information fields in the listing for each

⁷ The Department believes that the variance, in part, results from some stakeholders including both regulatory and paperwork hours burden in their estimates, and not just paperwork hours burden.

certified firm. However, this might be offset by the proposed elimination of the requirement that the online directories also be published in print.

- *Affected public:* Certifying agencies of DOT funding recipients
- *Number of respondents:* 132
- *Frequency of response:* Each respondent does this 12 times each year
- *Estimated average annualized hours burden per response:* 400
- *Estimated total annualized hours burden:* 633,600
- *Annualized burden hours estimate source:* When preparing the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001) and is pending approval, DOT contacted 5 certifying entities for estimates, who reported estimates ranging from 10 – 1,300 hours. DOT believes that the estimates include both regulatory hours burden and PRA hours burden. DOT subject matter expertise – based on decades of collective experience – DOT estimates the total annualized burden hours to be 633,600.
- *Estimated annualized cost for respondents based on wage rate category:*
\$22,030,272 total / \$166,896 per respondent

In the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001) and is pending approval, the burdens for this collection instrument are as follows:

- *Affected public:* Certifying agencies of DOT funding recipients
- *Number of respondents:* 132
- *Frequency of response:* Each respondent does this 12 times each year

- *Estimated average annualized hours burden per response: 373*
- *Estimated total annualized hours burden: 590,832*
- *Annualized burden hours estimate source: Average of five responses ranging from 10 – 1,300. DOT obtained the numbers from five certifying entities.*
- *Estimated annualized cost for respondents based on wage rate category: \$20,543,228 total*

11. DPP – proposed new requirement

- *Affected public: Recipients of FHWA funds that let design-build contracts*
- *Number of respondents: 50*
- *Frequency of response: 15 times each year*
- *Estimated average annualized hours burden per response: 3*
- *Estimated total annualized hours burden: 2,250*
- *Annualized burden hours estimate source: FHWA contacted a small number of recipients to obtain PRA-related estimates associated with this new requirement.*
- *Estimated annualized cost for respondents based on wage rate category: \$1,173,487.50 total / \$1,564.65 per respondent*

12. Sending and maintaining copies of notices of summary suspension – proposed modification of existing requirement

- *Affected public: Certifying agencies of DOT funding recipients*
- *Number of respondents: 132*
- *Frequency of response: 5 times each year*

- *Estimated average annualized hours burden per response:* .25 hours (15 minutes)
- *Estimated total annualized hours burden:* 165 hours
- *Annualized burden hours estimate source:* When preparing the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001) and is pending approval, the Department calculated the average of 3 recipient responses ranging from 12 – 180 hours. Based on subject matter expertise, DOT believes the recipients' responses included both regulatory burdens and PRA-related burdens.
- *Estimated annualized cost for respondents based on wage rate category:* \$28,816 total / \$43.66 per respondent

The proposed modifications in the NPRM would reduce the hours and cost burdens by eliminating the current requirement that certifying agencies send summary suspension notices by certified mail. The proposed modification states that certifying agencies are to exclusively send the notices by email.

In the Supporting Statement that the Department submitted to OMB on March 10, 2022 (ICR Reference No: 202203-2105-001) and is pending approval, the burdens for this collection instrument are as follows:

- *Affected public:* Recipients of DOT funds that perform DBE certification functions.
- *Number of respondents:* 132

- *Frequency of response:* 5 times each year
- *Estimated average annualized hours burden per response:* 84
- *Annualized burden hours estimate source:* Average of 3 recipient responses ranging from 12 – 180 hours
- *Estimated annualized cost for respondents based on wage rate category:*
\$1,927,648

13. Uniform Report – proposed modification of current form

The proposed changes would increase the hours and costs burdens because respondents would have to provide more data than what is asked for on the current form. As explained above in questions 1 and 2, the additional data would help accomplish critical aspects of the DBE program and comply with the Secretary’s request for additional data.

- *Affected public:* DOT funding recipients
- *Number of respondents:* 1,198
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 335
- *Estimated total annualized hours burden:* 379,766
- *Annualized burden hours estimate source:* DOT looked at the estimate it calculated in 2020 (based on recipient outreach) and then counted how many new information fields exist in the proposed modifications to this collection instrument.
- *Estimated annualized cost for respondents based on wage rate category:*
\$13,204,463.82 total / \$11,022.09 per respondent

OMB renewed its 2018 approval of the DOE on March 1, 2022 (OMB Control No. 2105-0510)

based on the following burden information:

- *Affected public:* DOT funding recipients
- *Number of respondents:* 1,198
- *Frequency of response:* once each year
- *Estimated average annualized hours burden per response:* 317
- *Estimated total annualized hours burden:* 377,766
- *Annualized burden hours estimate source:* DOT reached out to FAA, FHWA, and FTA recipients. In 2018, DOT estimated that the average hours burden per response was five hours. In 2020 DOT reached out to a small number of recipients; the estimated average hours burden of 317 is the average of their responses.
- *Estimated annualized cost for respondents based on wage rate category:*
\$13,204,463.82 total / \$11,022.09 per respondent

TOTAL HOURS BURDEN: 1,491,623

TOTAL COST BURDEN: \$301,587,304

13. Estimate of the total annual costs burden. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).

- The cost estimates should be split into two components: (A) a total capital and start-up cost component (annualized over its expected useful life); and (B) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rates(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use current economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

This information is not available, as costs to recipients, ACDBEs, and DBEs for these collections are not broken out in any way that allows the Department to identify costs specific to this task.

14. Estimates of costs to the Federal Government. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate costs, 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. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.

Not all of the instruments in this information collection have paperwork-related involvement from the Federal government. Those that do are the ACDBE small business element, ACDBE active participants list, ACDBE annual report of percentages of ACDBEs in various categories, LTE agreements, Uniform Report, and MAP-21 Data Report.

DBE Program Estimated Annualized Costs

FAA, FHWA, and FTA staff who are involved with the DBE program are located throughout the United States, including Los Angeles, CA, Washington, DC, and New York, NY. To measure the burden on the Federal government, this analysis estimates an FHWA and FTA employee's hourly wage rate based on the 2021 General Schedule (GS) Locality Pay Tables,

Hourly Rate GS-13 Step 5 wage rate for these locations. Using that information, the average hourly compensation rate for an FHWA or FTA employee involved with the DBE program is \$56.73.⁸ Including a compensation factor of 1.75, the FHWA or FTA employee's compensation rate is \$99.27. This analysis estimates a FAA employee's wage rate based on the average wage rate of the 2021 Core Compensation Plan Pay Band. The equivalent Pay Band hourly wage rate for GS-13 Step 5 in Los Angeles, CA, Washington, DC, and New York, NY is \$53.91.⁹ Including a compensation factor of 1.75, an FAA employee's compensation rate is \$94.34.

ACDBE Estimated Program Annualized Costs

FAA employees who are involved with the ACDBE program are also located throughout the United States, including Los Angeles, CA, Washington, DC, and New York, NY.¹⁰ This analysis estimates an FAA employee's wage rate in the same manner as an FAA employee involved with the DBE Program.

ACDBE small business element - proposed new requirement

- *Resource:* Equal Opportunity Specialist
- *Pay grade:* FV-I Band (\$94.34/hour)
- *Estimated time to review each response:* .25 hours (15 minutes)
- *Estimated annualized hours burden:* 99

⁸ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/general-schedule/>.

⁹ https://www.faa.gov/jobs/working_here/benefits/media/core_salary_with_conversion.xlsx.

¹⁰ FHWA and FTA employees do not have involvement with the ACDBE Program.

- *Estimated annualized cost burden: \$9,339.66*

ACDBE active participants list – proposed new requirement

- *Resource: Equal Opportunity Specialist*
- *Pay grade: FV-I Band (\$94.34/hour)*
- *Estimated time to review each response: 1 hour*
- *Estimated annualized hours burden: 396*
- *Estimated annualized cost burden: \$ 37,358.64*

ACDBE annual report of percentages of ACDBEs in various categories – proposed new requirement

- *Resource: Equal Opportunity Specialist*
- *Pay grade: FV-I Band (\$94.34/hour)*
- *Estimated time to review each response: .5 hour*
- *Estimated annualized hours burden: 26 hours*
- *Estimated annualized cost burden: \$ 2,452.84*

LTE agreements – proposed modification of existing requirement

- *Resource: Equal Opportunity Specialist*
- *Pay grade: FV-I Band (\$94.34/hour)*
- *Estimated time to review each response: 1 hour*
- *Estimated annualized hours burden: 7*
- *Estimated annualized cost burden: \$660.38*

MAP-21 Data Report – proposed modification of current form

- *Resource:* Equal Opportunity Specialist GS-13 Step 5 at \$99.27/hour
- *Estimated time to review each response:* .75 hours (52 responses)
- *Estimated annualized hours burden:* 39 hours
- *Estimated annualized cost burden:* \$1,540.89

Uniform Report – proposed modification of current form

- *Resource:* Equal Opportunity Specialist
- *Pay grade:* GS-13 Step 5 at \$99.27/hour
- *Estimated time to review each response:* 1.25 hours
- *Estimated annualized hours burden:* 1,497.5
- *Estimated annualized cost burden:* \$ 148,656.83

TOTAL ANNUALIZED HOURS BURDEN: 2,064.5

TOTAL ANNUALIZED COST BURDEN: \$200,009.24

15. <u>Explanation of the program change or adjustments.</u> Explain the reasons for any program changes or adjustments reported in items 13 or 14.
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LTE agreements – proposed modification of current requirement

Section 23.75(a) of 49 CFR Part 23 prohibits recipients from entering into LTEs for concessions without prior FAA approval based on very limited conditions. The reason for this general prohibition is to limit situations where an entire category of business activity is not subject to competition for an extended period through the use of an LTE agreement. ACDBE program stakeholders expressed that the five-year term in the definition contained in 49 CFR § 23.75(a) is too short. As an alternative, stakeholders suggested that “long-term” should be re-defined to a minimum of ten years given that the term of the typical concession lease agreement is generally ten years or longer, per industry standards. This would reduce the hours and cost burdens for Federal employees because receiving fewer copies of agreements from recipients would result in a decrease of record keeping hours and cost burdens.

PNW Statement – proposed modification of current form

The Department seeks to remove from the PNW Statement the section in which an applicant firm’s owner must report the value of the owner’s retirement assets. Before calculating the total PNW, the owner must determine the value of the retirement assets, which in many instances is a complex and extensive process. The Department has witnessed multiple conflicts among certifiers, firm owners, accountants, etc. about how to determine the amount of tax and interest penalties associated with retirement assets. To eliminate this problem, the Department proposes fully excluding all retirement assets from

PNW calculations. The Department also proposes removing the requirement that the Statement be notarized. DOT estimates that these changes would reduce the hours and costs burdens for firm owners to complete the PNW Statement. The changes would thereby reduce the hours and cost burdens for Federal employees when adjudicating certification appeals in which PNW calculation is at issue.

UCA – proposed modification of current form

The Department proposes to clarify instructions and terminology that have proven to be confusing to applicant firms. The proposed changes would reduce the hours and cost burdens for firms to complete the UCA. The changes would thereby reduce the hours and cost burdens for Federal employees who adjudicate certification appeals because the UCAs would be less likely to contain errors because of the clearer instructions and terminology.

Maintaining and updating bidders lists – proposed modification of existing requirement

The hours and costs burden would slightly increase for Federal employees because they would have to maintain the centralized database.

16. Publication of results of data collection. 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 information in DBE and ACDBE State directories is available on UCP websites.

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

DOT is not seeking this approval.

18. Exceptions to the certification statement. Explain each exception to the certification statement “Certification for Paperwork Reduction Act Submissions.”

There are no such exceptions in this information collection.