

**DEPARTMENT OF TRANSPORTATION
SUPPORTING STATEMENT FOR
APPLICATION FOR CONVEYANCE OF PORT FACILITY PROPERTY**

General Instructions

A Supporting Statement, including a copy of the published notices to the public required by 5 CFR 1320.5(a)(1)(iv) and its actual date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below and must contain the information specified. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) issue 60-day and 30-day notices for processing a three-year approval clearance for the information collection entitled, *Application for Conveyance of Port Facility Property*, (OMB Control No. 2133-0524), which is currently due to expire on July 31, 2022.

JUSTIFICATION

1. Circumstances that make collection of information necessary.

The Secretary of Transportation is authorized to convey surplus Federal property to public agencies provided the property is used and maintained for the development or operation of a port facility. Public Law 103-160, Section 2927, which amends 40 U.S.C. 554 (The Federal Property and Administrative Services Act of 1949) states:

...no transfer of property may be made until the Secretary of Transportation has received ... and approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program ...

This information collection meets the Department of Transportation (DOT) strategic goal of Infrastructure. Applicants are also required to submit a non-discrimination assurance statement, as required by DOT Order 1050.2A.

The data that is collected relates to demonstrating an applicant's ability to legally acquire and retain property, develop and execute a plan of use for the prospective property, and its agreement to comply with the terms and conditions of the Port Conveyance Program. The Maritime Administration (MARAD) is charged with post-conveyance oversight, so the agency follows up with the applicant annually to ensure it has complied with the terms and conditions of its application and with the instrument of conveyance, the Quitclaim Deed.

It is noted that the data that is provided to MARAD comes from *organizations* that are looking to acquire property through the Port Conveyance Program for the development or use as a port facility. MARAD does not collect nor require personally identifiable information from individuals as a part of the Port Conveyance Program review and oversight process, other than a point of contact for questions.

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

The primary documents that are submitted to MARAD to accomplish application review are a signed copy of the application, which includes a Port Facility Redevelopment Plan (PFRP), financial statements and a legal description of the property of interest. The application demonstrates the applicant's acknowledgement that it will comply with the terms and conditions of the Port Conveyance Program. The PFRP is a narrative document that demonstrates the applicant's needs for the property as well as how the applicant's intended plans for the property and shows how the land is suitable for its intended future purposes. Additionally, financial statements are requested to show the applicant's financial standing and outlook for the three years prior to application. Occasionally, letters of support are included with the application to provide evidence of the local community's support for the prospective conveyance. These letters are optional and not required.

The source of the submitted information comes from States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof. The data obtained from the applicants allows MARAD to approve the conveyance of property and administer the program. Without such data, MARAD is unable to determine whether:

- (1) The applicant is committed to the redevelopment/reuse plan;
- (2) The redevelopment/reuse plan is viable and in the best interest of the public;
- (3) The property will be used in accordance with the terms of the conveyance and applicable statutes and regulations; and
- (4) To determine whether recipients of conveyed property have complied with terms and conditions of the conveyance.

3. Extent of automated information collection

The primary method to collect information consists of receiving information by e-mail when possible, with postal mail or faxes as an alternative. Most responses are received by e-mail however, respondents occasionally submit responses by postal mail and fax. The replies that are received by paper mail are scanned in an electronic format and stored on the DOT-wide network for later retrieval.

The use of information technology assists in the Federal interagency collaborative process, to reduce burdens and expedite the review process. The information contained within the application is not solely used by MARAD, as applications are forwarded to cooperating Federal agencies for their concurrent review. Some of the information in the application is generated by

engineering-based, non-standard programs such as AutoCAD, SPSS and GIS, on MARAD's computers, and the computers of the cooperating Federal agencies. Having an electronic copy of the application from applicants, when possible, assists in exchanging information and expediting the review process while eliminating the burden and expense of producing paper copies.

Note: The application goes through an extensive public review process by the Department of Defense (DOD) and/or the General Services Administration (GSA) prior to determining whether the property is suitable for MARAD's public benefit conveyance program. Further, all of the information MARAD requests are compiled by DOD/GSA and the applicant well before MARAD is brought online, so there is no additional burden to the applicant.

4. Efforts to identify duplication.

Prior to the Federal landholding agency (either GSA or a component of DOD [Department of the Army, Department of the Air Force, or the Department of the Navy]), declaring a property to be surplus, it undertakes market research to determine the potential highest and best future use of the property based on the current use. The landholding agency then typically engages with local communities to inquire which entities would be interested in the property. During the pre-application process, the prospective applicant and landholding agency discuss the items that are requested by MARAD, such as future use, the ability to execute the plan, funding sources, etc. At this point, the landholding agency has the option to decide whether to make the application available for MARAD's Port Conveyance Program.

If the landholding agency makes the property available for disposal through the Port Conveyance Program, MARAD and the prospective applicant participate in a pre-application discussion to identify if the applicant's existing data is acceptable or can be modified to minimize duplicative efforts. Applicants are often advised that the requested data on its website is suitable for the application and can be submitted by cutting and pasting the data into the respective space in the application or by including the requested information by reference. (i.e, *The answer to this question is included as attachment 1*). These efforts minimize duplication for the applicant.

5. Efforts to minimize the burden on small businesses.

This question is not applicable, as only states and local governmental entities are eligible to receive properties through the Port Conveyance Program. Small businesses are not eligible to participate in the program.

6. Impact of less frequent collection of information.

If the information collection for the application was not conducted, then the Port Conveyance Program would be non-existent, as MARAD would not be able to determine whether an applicant is eligible to receive property or assess applications. Further, if MARAD does not collect the information in a timely manner aligning with the availability of the property, the program will be hampered by its ability to secure land from the Federal landholding agency. Landholding agencies want to dispose of properties quickly and MARAD's delayed response time will likely cause the agencies to choose other disposal methods.

The impact would be negligible if data for post-conveyance oversight activities was collected less than on an annual basis. However, all the applicants and grantees annually publish the data MARAD requests as a normal part of conducting business. These documents are normally printed in the form of an annual operational report and an annual audited financial statement. Additionally, collecting data on a yearly basis is standard practice among the sponsoring agencies that administer public benefit conveyance programs.

7. Special circumstances.

There are no special circumstances that require the collection of information to be conducted in any specified manner. Not applicable.

8. Compliance with 5 CFR 1320.8:

MARAD published a 60-day notice and request for comments on this information collection in the Federal Register on May 3, 2022 (87 FR 26252), indicating comments should be submitted on or before July 5, 2022. In addition, a 30-day notice and request for comments was published in the Federal Register on July 13, 2022 indicating comments should be submitted on or before August 12, 2022.

9. Payments or gifts to respondents.

No payments or gifts are provided to respondents.

10. Assurance of confidentiality:

It is noted that MARAD does NOT collect personally identifiable information (PII) from individuals (either applicants or property recipients) as a part of the application review and oversight processes.

Although MARAD receives information from state and local governmental entities as a part of the application and oversight process, that data is public information and often can be located on the applicant's website. MARAD rarely receives confidential data dealing with business transactions such as leases. MARAD has no intention of releasing business confidential data to the public without first consulting the applicant and following the procedures in the Freedom of Information Act. MARAD has not received any Freedom of Information Act requests relating to the Port Conveyance Program in the last five years.

11. Justification for collection of sensitive information:

This question is not applicable. There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

MARAD requests data from the applicants are estimated to be 13. The agency estimates there will be one application per applicant with requests for amendments to the terms of the original conveyance and subsequent annual reporting requirements.

<u>Number of Respondents</u>		<u>Responses Per Respondent</u>	=	<u>Total Responses Annually</u>	x	<u>Hours Per Response</u>	=	<u>Total Hours Annually</u>
13	x	1	=	13	x	40.00	=	520.00
13	x	1	=	13	x	2.50	=	32.50
13	x	1	=	13	x	1.50	=	19.50
Total Burden Hours =								572.00

Approximately 40.00 hours for each application x 13 applications = 520.00 hours total response time for all original applicants.

Approximately 2.50 hours for each application x 13 applications = 32.50 hours for amendments.

Approximately 1.50 hours for each application x 13 applications = 19.50 hours for compliance requirements.

44 Hours per response
 Total Burden Hours Annually= 572.00

The estimated cost burden is estimated at \$28,502.76. This is calculated at \$49.83 per hour x 44 hours per response = \$2,192.52 x 572 hours total = \$28,502.76. This hourly rate is based on the [Bureau of Labor Statistics Occupational Employment and Wages, May 2021 data for Category 11-1021 General and Operations Managers.](#)

13. Estimate of total annual costs to respondents.

The estimated annual cost burden to respondents per response is as follows:

Total Capital and Start-Up Costs Estimate: N/A

Total Operation and Maintenance and Purchase of Services Estimate:

The operation and maintenance costs are estimated at \$7,773.48, calculated at \$49.83 per hour x 12 hours per property for each of the 13 properties. The data requested by MARAD is routine information that each respondent collects as a part of their own individual reports.

This cost estimate accounts for the time of one person at a mid-managerial level to compile and rearrange the information from the respondent’s format into a response to MARAD.

A benefits multiplier has not been applied for respondents.

The hourly rate is based on the [Bureau of Labor Statistics Occupational Employment and Wages, May 2021 data for Category 11-1021 General and Operations Managers](#).

14. Estimate of cost to the Federal government.

The total annual cost to the Federal Government for processing the collection is estimated as follows:

One-time costs: None

Collection Items	Dollar Value	Responses	Hours	Totals
Prepare Copies	\$5.00	13	0	\$65.00
Prepare Mailings	\$2.50	13	0	\$32.50
Time of Specialist (GS-13 step 4)	\$56.30	0	572	\$32,203.60
			(Combined)	\$32,301.10
Benefits	\$32,301.10 x 1.4		Total Cost	Est. \$45,221.54

The source of this the [2022 General Schedule \(GS\) Locality Pay Tables specifically for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA](#) locality pay area.

15. Explanation of program changes or adjustments.

Disposal agencies have traditionally sought value for surplus federal properties. Consequently, the number of properties that have been made available for inclusion in the Port Conveyance Program is not as robust as in previous years. The estimated costs to the government have been revised in accordance with the locality pay tables provided by the Office of Personnel Management.

16. Publication of results of data collection.

There are no plans to publish any of the data collected. The Port Conveyance Program is an ongoing initiative. The filing of an application is required to obtain property, amendments are required as the original redevelopment plan changes and the yearly filing requirements are for compliance reasons. The conveyance is in perpetuity so the amendments and reporting requirements will continue forever unless the requirement is changed by MARAD.

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

MARAD is not seeking approval to avoid displaying the expiration date for OMB approval in the form.

18. Exceptions to certification statement.

There are no exceptions to the certificate statement identified in Item 19.