

Ms. Swati Patel
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Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President

This is a request for Office of Management and Budget (OMB) emergency clearance for a new information collection request (ICR) to enable the Department of Transportation (DOT) Federal Highway Administration (FHWA) to implement the Federal Share Flexibility Pilot Program (FSFPP). The FSFPP was authorized in the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Act) (Pub. L. 117-58) on November 15, 2021. This historic Act is a once-in-a-generation opportunity to support transformational investments in our Nation's transportation infrastructure that will create good jobs, modernize our infrastructure, improve safety, tackle the climate crisis, and invest in communities that have too often been left behind. The Act includes the FSFPP to improve the safety, efficiency, and reliability of the movement of people and freight by replacing, rehabilitating, preserving, and protecting bridges in the National Bridge Inventory (NBI).

Critical Nature of the Information Collection Request

The FSFPP is critical to enabling State Department of Transportation (State DOT) agencies participating in the pilot added flexibility in the management and reimbursement of FHWA funded programs. The statutory requirements of the FSFPP are found under section 11107 of the BIL and codified at 23 U.S.C. § 120(l). This new provision under Title 23 requires the establishment of a FSFPP not later than 180 days after the date of enactment of the BIL. Under the pilot, up to 10 State DOTs may be selected to participate. Selected State DOTs in the pilot are allowed to determine the Federal share on an individual project that is more than 0 percent and up to 100 percent as long as the average annual Federal share of all participating projects does not exceed the average of the maximum Federal share of those projects if those projects were not carried out under the pilot program.

Need for Emergency Approval

The use of normal clearance procedures for ICR approval will prevent the FHWA timely initiation and meeting the requirements of the FSFPP. If the Department does not receive emergency approval for this ICR, implementation of the FSFPP will be delayed.

Due to the urgency of executing the newly enacted Act, the Department respectfully ask OMB for emergency approval of the ICR within 30 days of receipt of this letter.

If you have any questions regarding this request, please contact Dan Parker, Senior Program Analyst, daniel.parker@dot.gov.

Sincerely,

Brian R. Bezio
Chief Financial Officer
Federal Highway Administration