

U.S. Department of Transportation

SUPPORTING STATEMENT

Wildlife Crossings Program Grant Application and Grant Application Checklist OMB Control No. XXXX

Introduction: This is to request the Office of Management and Budget (OMB) approve a 180-day emergency clearance for the information collection entitled, Wildlife Crossings Pilot Program (Wildlife Crossings Program). Note that:

- Responding to the collection is voluntary and is required to obtain or retain a benefit.
- Responders for all stages are a State highway agency, or an equivalent of those agencies; metropolitan planning organizations (as defined in 23 U.S.C. 134(b)); unit of local government; regional transportation authority; special purpose district or public authority with a transportation function, including a port authority; an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); a Federal land management agency (FLMA); or a group of any of the aforementioned entities. Respondents for the grant agreement stage may also include a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity.
- The information collection is a grant application, optional application checklist, grant agreement, and reporting during project management.
- The information is collected as needed.
- Information relevant to the application is detailed in the Wildlife Crossings Program Notice of Funding Opportunity (NOFO), and any reporting requirements agreed to by grant recipients.
- The information will be received by the Federal Highway Administration (FHWA) within the U.S. Department of Transportation (DOT).
- The purpose of the collection is to receive information relevant to evaluating applications to the Wildlife Crossings Program and administering grants, including through providing information for reporting requirements agreed to by recipients of the grants.

This information collection request (ICR) supports the FY 2022 – 2026 DOT Strategic Plan, including the six strategic goals of:

1. Safety
2. Economic Strength & Global Competitiveness
3. Equity
4. Climate & Sustainability
5. Transformation
6. Organizational Excellence

Part A. Justification.

1. Circumstances that make collection of information necessary:

The collection of information is necessary in order to receive applications for grant funds, evaluate the effectiveness of projects that have been awarded grant funds, and monitor project financial conditions and project progress pursuant to the FHWA's Wildlife Crossings Program. The program is being implemented pursuant to 23 U.S.C. 171 and section 11123 and 11101(d)(1) of the Infrastructure Investment and Jobs Act (P.L. 117-58 also referred to as the Bipartisan Infrastructure Law or BIL). There are more than 1,000,000 wildlife vehicle collisions (WVCs) annually that result in approximately tens of thousands of serious injuries and hundreds of fatalities on U.S. roadways, which are estimated to cost over \$8 billion. In addition, WVCs present a danger to human safety and wildlife survival. The purpose of this program is to provide grants to reduce wildlife vehicle collisions while improving habitat connectivity and conservation for terrestrial and aquatic species.

FHWA initially intends to request information from applicants in the form of an application. Information that respondents provide in the application will allow FHWA to ensure that funding only goes to projects that meet the requirements of the Wildlife Crossings Program. Information will also be used to structure reporting requirements during the grant agreement stage and as the project is managed..

The relevant statutory provisions are 23 U.S.C. 171 and section 11101 of the Bipartisan Infrastructure, attached hereto as Exhibit A.

Application Stage

To be considered to receive a Wildlife Crossings Program grant, an eligible applicant must submit an application to FHWA containing a project narrative and project abstract, as detailed in the NOFO. The project narrative should include the information necessary for the agency to determine that the project satisfies eligibility requirements as warranted by law. The project abstract should summarize the scope of work and type of project that would be completed under the award. In addition, an eligible applicant should submit the information contained in the Wildlife Crossings Program Grant Application Checklist.

Grant Agreement Stage

The Wildlife Crossings Program grant recipient is expected to provide, and FHWA will collect information during the grant agreement stage. The grant agreement is an agreement between FHWA and the recipient describing the project that FHWA agreed to fund, which is typically the project that was described in the Wildlife Crossings Program grant application, or a reduced-scope version of that project. Parties to the grant agreement will include

FHWA, the recipient, any entity acting as a pass through entity, and any Eligible Partner. In the grant agreement stage, the recipient and Eligible Partner must provide FHWA additionally requested information for negotiating the grant agreement or letter of no prejudice.

Project Management Stage

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of Federal funds within the scope of the approved project. The requirements comply with OMB's Uniform Guidance for Federal Awards (2 CFR part 200). During the project management stage, the grantee will complete Quarterly Progress and Monitoring Reports as well as Federal Financial Reports (SF-425) to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met. The FHWA may also require substantive requirements of the report including: the project's overall status; project significant activities and issues; action items/outstanding issues; project scope overview; project schedule; project cost; certifications; and performance indicators. In addition, as applicable, projects are required to provide information on their outcome, such as baseline data and outcome data (i.e., WVCs before and after the construction of the project) The reporting requirement will greatly reduce the need for on-site visits by staff.

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

The information collected will be used by FHWA.

FHWA will continue to use the information collected in the application phase to evaluate proposals.

FHWA will use the information collected in the grant application stage, the grant agreement stage, and the project management stage to monitor the progress of projects that have been awarded Wildlife Crossings Program funds and to monitor the proper expenditure of Federal funds.

The project management information will be collected by grant recipients and Eligible Partners. Much of the information will be produced and collected through the normal process of project management, so the additional burden of Government information collection is small in comparison to the information that grant recipients already collect to manage their projects properly. The purpose of the project management information collection is to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met.

3. Extent of automated information collection:

During the application stage, the FHWA will receive applications electronically via Grants.gov, upon approval from OMB. The FHWA will also receive reports and additional requested information electronically during the grant agreement and project management stages. To minimize the burden on applicants, OMB-approved standard forms are being used to collect information where possible. Such standard forms include the Application for Federal Assistance (SF-424), available online at https://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf, and the post-award Federal Financial Reports form (SF-425), available online at https://apply07.grants.gov/apply/forms/sample/SF425_2_0-V2.0.pdf.

4. Efforts to identify duplication:

The information collected from grantees and Eligible Partners is project specific and the information is not available other than from the grantees and Eligible Partners. The information will be used to monitor projects on a quarterly basis, and to ensure on an annual basis that the project's plan conforms to the project's real operating environment.

5. Efforts to minimize the burden on small businesses:

Grantees are State Departments of Transportation, metropolitan planning organizations, units of local government, regional transportation authorities, special purpose districts or public authorities with a transportation function, Indian Tribes, and Federal land management agencies. No grantees are business organizations, small or otherwise. Eligible Partners are the same entities as grantees but also include a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity. No Eligible Partners are business organizations, small or otherwise.

6. Impact of less frequent collection of information:

If the information requested in the reports is not collected, the FHWA will not be able to evaluate project progress or financial conditions in accordance with 23 U.S.C. 171 and the Wildlife Crossings Program NOFO. The quarterly collection of financial data ensures that the use of Federal funds can be appropriately monitored.

7. Special circumstances:

During the negotiation of the grant agreement, FHWA may require the recipient and any Eligible Partner to report information to the agency more often than quarterly. Otherwise, all information collected is consistent with the guidelines in 5 CFR 1320.6.

8. Compliance with 5 CFR 1320.8:

This 180-day clearance is requested pursuant to 5 CFR 1320.8(d)(4).

9. Payments or gifts to respondents:

No payment is made to respondents, other than remuneration to successful Wildlife Crossings Program applicants. The remuneration to grantees is in the form of reimbursements up to the amount of the Wildlife Crossings Program grant award as negotiated in the signed and executed grant agreement.

10. Assurance of confidentiality:

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the CBI confidential content on each page; and (4) at the end of the submission, explain how disclosure of the confidential information would cause substantial competitive harm. The FHWA will protect confidential information complying with these requirements to the extent required under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, properly marked, and ultimately determined to be confidential under 49 CFR 7.29 will be exempt from disclosure under FOIA. 11. Justification for collection of sensitive information:

None of the information is of a sensitive nature.

12. Estimate of burden hours for information requested:

<u>Requirements</u>	<u># of Annual Submissions</u>	<u>Burden hours per Submission</u>	<u>Total Burden hours</u>
<u>Application Stage</u>			
Applications	100	40	4,000
<u>Grant Agreement Stage</u>			
Requests for information related to signing grant agreements or letters of no prejudice	30	4	120
<i>Total</i>	130		4,120
<u>Project Management Stage</u>			
Quarterly Progress Report	120	2	240

<i>Total</i>	120	240
Grand Total	250	4,360

All burden hour estimates are based on an estimated review of all the requirements associated with the Wildlife Crossings Program, discussions with appropriate modal staff, and analysis of other DOT and FHWA programs.

Estimate of the cost to respondents:

There is a wide variance in the level of effort required by respondents to comply with the Project Management Stage reporting requirements. A majority of reports, however, will be simple and straightforward. The figures below are representative of a straightforward project of average complexity that has completed construction over a five-year period with a five-year period of performance measurement once the project is complete.

Application Stage

We estimate that it takes approximately 40 person-hours to read the NOFO and compile an application package for a Wildlife Crossings Program grant. Since FHWA expects to receive 100 applications per NOFO announcement, the total hours required are estimated to be 4,000 hours (40 hours x 100 applications = 4,000 hours) on a one-time basis, per announcement. Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour. This is based on the average loaded wage of a project manager in the local government sector of \$55 (Bureau of Labor Statistics). Therefore, the cost to the respondents is computed at \$220,000 (4,000 hours x \$55 = \$220,000).

Grant Agreement Stage:

We estimate that it takes approximately 4 person-hours to respond to FHWA's requests for more information in negotiating the grant agreements or letters of no prejudice. Based on other grant programs, FHWA estimates that there will likely be 30 grant agreements negotiated per announcement. The total hours required are estimated to be 120 (4 hours x 30 agreements = 120 hours) on a one-time basis, per announcement. Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour, which is based on the average loaded wage of a project manager in the local government sector according to the Bureau of Labor Statistics. Therefore, the cost to the respondents is computed at \$6,600 (120 hours x \$55 = \$6,600).

Project Management Stage:

We estimate that it takes approximately 2 person-hours to develop and submit a quarterly project progress report to FHWA for review. Based on other grant programs and the expected number of awards, FHWA expects to receive 120 quarterly project progress

reports per year, i.e., 4 per year for a total of 30 awards. The total hours required are estimated to be 240 (2 hours x 120 reports = 240 hours). Although various personnel are involved in the development of an application, the average salary is estimated to be \$55 per hour which is based on the average loaded wage of a project manager in the local government sector according to the Bureau of Labor Statistics. Therefore, the cost to the respondents is computed at \$13,200 (240 hours x \$55 = \$13,200).

The grand total annual cost to respondents for the application, grant negotiation, program management and evaluation stages is \$239,800.

Project Stages	Cost to Respondents
Application Stage	\$220,000
Grant Agreement Stage	\$6,600
Project Management Stage	\$13,200
The Grand Total	\$239,800

13. Estimate of total annual costs to respondents:

There is no additional cost beyond that shown in items 12 and 14.

14. Estimate of cost to the Federal government:

The cost is calculated as follows:

Application Stage:

FHWA will review the applications to assess project eligibility and merit and to provide information for the discretionary decision-making process prior to the award of any Wildlife Crossings Program grants.

We estimate that the average grade level of the reviewers is GS-13/step 5, paid at approximately \$58 per hour. Each project will require approximately 20 person-hours of review as an overall average. Since we expect to evaluate 100 applications, the cost to the federal Government is \$116,000 (20 hours x 100 applications = 2,000 hours x \$58 = \$116,000), per announcement.

Grant Agreement Stage:

Information may be requested from respondents to negotiate the grant agreements under which the Wildlife Crossings Program funds will be distributed or letters of no prejudice under which eligible activities will be implemented. FHWA does not expect to request much information from respondents, since most of the information required is expected to be submitted along with the grant applications.

We estimate that the average grade level of the reviewers is GS-14/step 5, paid at \$69 per hour. Since we expect to negotiate 30 implementation grant agreements and for one employee to spend about eight hours requesting the information and using it to draft the grant agreements, the cost to the federal Government is \$16,560 (8 hours x 30 applications = 240 hours x \$69 = \$16,560), per announcement.

Project Management Stage:

Individuals managing projects throughout FHWA vary from GS-11 to GS-14; however, in looking at the averages, it can take a GS-13/step 5 employee (with an average salary of \$58 per hour) about one hour per report to review a Quarterly Progress and Monitoring Report. There are approximately 30 projects requiring reports annually, and a total of 4 reports per project, or 120 submissions, annually. The cost to the federal Government is \$6,960 (1 hour x 120 submissions = 120 hours x \$58 = \$6,960), annually.

The grand total annual cost to the Federal Government for the application, grant negotiation, program management and evaluation stage is \$139,520 as shown in the table below:

Project Stages	Cost to the Federal Government
Application Stage	\$116,000
Grant Agreement Stage	\$16,560
Project Management Stage	\$6,960
The Grand Total	\$139,520

15. Explanation of program changes or adjustments:

The purpose of this request is to approve collection of information related to the application and implementation of the Wildlife Crossings Program for FY 2022 -2023. An application checklist was developed to reduce the burden on applicants and to reduce the burden on the review process.

16. Publication of results of data collection:

FHWA is required to provide a report to Congress annually describing the activities under the Wildlife Crossings Program [23 U.S.C. 171(h)].

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

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to certification statement:

No exceptions are stated.

EXHIBIT A

23 U.S.C. 171. Wildlife crossings pilot program

(a)FINDING.—Congress finds that greater adoption of wildlife-vehicle collision safety countermeasures is in the public interest because—

- (1) according to the report of the Federal Highway Administration entitled “Wildlife-Vehicle Collision Reduction Study”, there are more than 1,000,000 wildlife-vehicle collisions every year;
- (2)wildlife-vehicle collisions—
 - (A)present a danger to—
 - (i) human safety; and
 - (ii) wildlife survival; and
 - (B)represent a persistent concern that results in tens of thousands of serious injuries and hundreds of fatalities on the roadways of the United States; and
- (3) the total annual cost associated with wildlife-vehicle collisions has been estimated to be \$8,388,000,000; and
- (4) wildlife-vehicle collisions are a major threat to the survival of species, including birds, reptiles, mammals, and amphibians.

(b)ESTABLISHMENT.—The Secretary shall establish a competitive wildlife crossings pilot program (referred to in this section as the “pilot program”) to provide grants for projects that seek to achieve—

- (1) a reduction in the number of wildlife-vehicle collisions; and
- (2) in carrying out the purpose described in paragraph (1), improved habitat connectivity for terrestrial and aquatic species.

(c)ELIGIBLE ENTITIES.—An entity eligible to apply for a grant under the pilot program is—

- (1) a State highway agency, or an equivalent of that agency;
- (2) a metropolitan planning organization (as defined in section 134(b));
- (3) a unit of local government;
- (4) a regional transportation authority;
- (5) a special purpose district or public authority with a transportation function, including a port authority;
- (6) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));
- (7) a Federal land management agency; or
- (8) a group of any of the entities described in paragraphs (1) through (7).

(d)APPLICATIONS.—

- (1) IN GENERAL.— To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
- (2) REQUIREMENT.—If an application under paragraph (1) is submitted by an eligible entity other than an eligible entity described in paragraph (1) or (7) of subsection (c), the application shall include documentation that the State highway agency, or an equivalent of that agency, of the State in which the eligible entity is located was consulted during the development of the application.

(3) GUIDANCE.—To enhance consideration of current and reliable data, eligible entities may obtain guidance from an agency in the State with jurisdiction over fish and wildlife.

(e) CONSIDERATIONS.—In selecting grant recipients under the pilot program, the Secretary shall take into consideration the following:

(1) Primarily, the extent to which the proposed project of an eligible entity is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

(2) Secondly, the extent to which the proposed project of an eligible entity is likely to accomplish the following:

(A) Leveraging Federal investment by encouraging non-Federal contributions to the project, including projects from public-private partnerships.

(B) Supporting local economic development and improvement of visitation opportunities.

(C) Incorporation of innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.

(D) Provision of educational and outreach opportunities.

(E) Monitoring and research to evaluate, compare effectiveness of, and identify best practices in, selected projects.

(F) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate, subject to the condition that the implementation of the pilot program shall not be delayed in the absence of action by the Secretary to identify additional criteria under this subparagraph.

(f) USE OF FUNDS.—

(1) IN GENERAL.—

The Secretary shall ensure that a grant received under the pilot program is used for a project to reduce wildlife-vehicle collisions.

(2) GRANT ADMINISTRATION.—

(A) In general.—A grant received under the pilot program shall be administered by—

(i) in the case of a grant to a Federal land management agency or an Indian tribe (as defined in section 207(m)(1), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))), the Federal Highway Administration, through an agreement; and

(ii) in the case of a grant to an eligible entity other than an eligible entity described in clause (i), the State highway agency, or an equivalent of that agency, for the State in which the project is to be carried out.

(B) Partnerships.—

(i) In general.—A grant received under the pilot program may be used to provide funds to eligible partners of the project for which the grant was received described in clause (ii), in accordance with the terms of the project agreement.

(ii) Eligible partners described.—The eligible partners referred to in clause (i) include—

(l) a metropolitan planning organization (as defined in section 134(b));

- (II) a unit of local government;
- (III) a regional transportation authority;
- (IV) a special purpose district or public authority with a transportation function, including a port authority;
- (V) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));
- (VI) a Federal land management agency;
- (VII) a foundation, nongovernmental organization, or institution of higher education;
- (VIII) a Federal, Tribal, regional, or State government entity; and
- (IX) a group of any of the entities described in subclauses (I) through (VIII).

(3) COMPLIANCE.—

An eligible entity that receives a grant under the pilot program and enters into a partnership described in paragraph (2) shall establish measures to verify that an eligible partner that receives funds from the grant complies with the conditions of the pilot program in using those funds.

(g) REQUIREMENT.—

The Secretary shall ensure that not less than 60 percent of the amounts made available for grants under the pilot program each fiscal year are for projects located in rural areas.

(h) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—

Not later than December 31 of each calendar year, the Secretary shall submit to Congress, and make publicly available, a report describing the activities under the pilot program for the fiscal year that ends during that calendar year.

(2) CONTENTS.—The report under paragraph (1) shall include—

- (A) a detailed description of the activities carried out under the pilot program;
- (B) an evaluation of the effectiveness of the pilot program in meeting the purposes described in subsection (b); and
- (C) policy recommendations to improve the effectiveness of the pilot program.

(i) TREATMENT OF PROJECTS.—

Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

(Added Pub. L. 117-58, div. A, title I, § 11123(b)(1), Nov. 15, 2021, 135 Stat. 499.)

Section 11101(d)(1) of the Infrastructure Investment and Jobs Act (P.L. 117-58 also referred to as the Bipartisan Infrastructure Law or BIL)

(d) PILOT PROGRAMS.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) WILDLIFE CROSSINGS PILOT PROGRAM.—For the wildlife crossings pilot program under section 171 of title 23, United States Code—

- (A) \$60,000,000 for fiscal year 2022;
- (B) \$65,000,000 for fiscal year 2023;
- (C) \$70,000,000 for fiscal year 2024;
- (D) \$75,000,000 for fiscal year 2025; and
- (E) \$80,000,000 for fiscal year 2026.