

DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

JUSTIFICATION STATEMENT
Public Transportation Safety Program
(OMB Control No. 2132-TBD New Information Collection)

ABSTRACT

This is a new information collection request entitled "Public Transportation Safety Program" and FTA is requesting OMB's approval for up to three years of this program through the regular OMB approval process. In 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) gave FTA the authority to regulate public transportation systems that receive Federal financial assistance under Chapter 53, 49 U.S.C. 5329(f). It further authorizes FTA to "require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a state safety oversight agency" for the purposes of carrying out the Federal Public Transportation Safety Program. The purpose of this information collection is to collect safety related information from the transit industry that isn't covered by FTA's existing safety programs. Currently, FTA is only able to alert the transit industry to potential safety concerns, however we lack OMB approval to collect information from the transit industry regarding industry response to a safety incident or other helpful information. With America's public transportation system aging, transit assets will continue to age, and safety concerns will escalate. This IC will require FTA to issue advisories, guidance and collect relevant safety information on occasion or as needed. This ICR will further allow FTA to become more proactive in addressing emerging safety concerns by collecting relevant information rather than simply responding to safety events after they occur. FTA issued a 60-day Federal Register Notice (FRN) requesting the approval of the new information collection (IC) under the regular Paperwork Reduction Act (PRA) clearance process. There were zero comments received from that notice.

A. Justification

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

Congress directed FTA to establish a comprehensive Public Transportation Safety Program in the (Pub. L. 112-141; July 6, 2012) (MAP-21), which was reauthorized by the Fixing America's Surface Transportation Act (Pub. L. 114-94; December 4, 2015). The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58; November 15, 2021), continues FTA's authority to regulate public transportation systems that receive Federal financial assistance under Chapter 53. 49 U.S.C. 5329(f) authorizes FTA to "require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a state safety oversight agency" for the purposes of carrying out the Federal Public Transportation Safety Program.

As FTA's safety program matures, FTA needs to be able to collect safety related information from the transit industry that isn't covered by FTA's existing safety programs. Currently, FTA is

only able to alert the transit industry to potential safety concerns, however we lack authority to collect information from the industry regarding industry response or other helpful information. Further, as transit assets continue to age, safety events or safety concerns will arise that will require FTA to issue advisories/guidance and collect relevant information. FTA needs a general safety collection that can cover all of these emerging or one-off safety concerns as we are unable to predict exactly what that information would be because these incidents are occurring on occasion and would vary. In addition, FTA is aiming to become more proactive in addressing emerging safety concerns by collecting relevant information rather than simply responding to safety events after they occur.

2. 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.

The information will be used to collect safety related data from transit agencies, State Safety Oversight Agencies (SSOAs), and States. FTA will use this information collection to assess how recipients of Federal financial assistance under Chapter 53 are complying with FTA safety requirements and recommendations and ensuring safe transportation systems for the riders and patrons using each system, the workers operating each system, and the pedestrians interacting with each system. FTA may also use the information to assist in determining whether there is a need for new or revised safety requirements.

The information will be collected via the Transit Award Management System (TrAMS), FTA's on-line fillable platform to award and manage federal grants. TrAMS was created to provide greater efficiency and improved transparency and accountability. The initial application and follow-up reports are submitted to the cognizant program office, usually within an FTA regional office, to determine the recipient's eligibility for funding and, subsequently, the grantee's progress in implementing and completing project activities. The reports assure FTA of a level of management of risks. Also, the information submitted ensures FTA's compliance with applicable federal laws, and the Common Grant Rule. In addition, without these reports, significant resources and manpower would be necessary to conduct on-site inspections.

3. CONSIDERATION OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN AND ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

To the extent possible, FTA will utilize existing electronic platforms to collect information. For example, FTA will use the Transit Award Management System (TrAMS), FTA's on-line fillable platform used to award and manage federal grants and submit other monthly, quarterly and/or annual requests of information. FTA is also considering the use of the State Safety Oversight Reporting (SSOR) system, a web-based tool for State Safety Oversight Agencies to submit their annual report requirements to FTA.

FTA anticipates that approximately 100 percent of the periodic information collected will be provided to FTA electronically.

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.

This collection is different from the existing safety related collections associated with the Public Transportation Agency Safety Plan Program (2132-0580), the Public Transportation Safety Certification Training Program (2132-0578), and the State Safety Oversight Program (2132-0558). The aforementioned collections are approved to collect information related to the requirements of those safety programs while this new collection is intended to cover other safety issues, including emerging safety concerns.

5.METHODS USED TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES.

The information collected does not involve small businesses.

6.CONSEQUENCES TO FEDERAL PROGRAMS OR POLICY ACTIVITIES IF INFORMATION WAS NOT COLLECTED OR COLLECTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING THE BURDEN.

The information captured will enable FTA to respond to existing safety issues and be proactive to address potential and emerging safety concerns. This information collection is essential to FTA's safety oversight and grant-making roles—both critical to the Agency's mission of improving public transportation for America's communities. If this information was not collected, additional efforts by agency staff would be needed to ensure compliance with program objectives and awareness of public transportation safety issues.

7.SPECIAL CIRCUMSTANCES THAT REQUIRE THE COLLECTION TO BE CONDUCTED IN A MANNER INCONSISTENT WITH 5 CFR 1320.6.

The information collected is consistent with the guidelines in 5 CFR 1320.6.

8.EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS.

A 60-day Federal Register notice was published on July 6, 2023 (88 FR 43167) soliciting comments prior to submission to the Office of Management and Budget (OMB). No comments were received. A 30-day Federal Register notice was published on December 11, 2023 Vol. 88 No. 236 Page 85969. Both Federal Register notices have been included with this OMB submittal in ROCIS. FTA frequently engages in stakeholder outreach including webinar series and site visits to projects and transit agencies by the regional staff and this IC has been a topic during many of these events. Transit agencies overall like the proactive approach this IC provides to mitigate future safety concerns and transit agencies can now share best practices to prevent future incidents amongst their agencies.

FTA will continue to seek additional outreach opportunities with our stakeholders.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

No payment is made to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED RESPONDENTS.

There is no assurance of confidentiality regarding these submissions.

11. ADDITIONAL JUSTIFICATION FOR QUESTIONS OF A SENSITIVE NATURE.

None of the information is of a sensitive nature.

12. ESTIMATE OF THE HOUR BURDEN OF THE COLLECTION; AND ANNUALIZED

TOTAL RESPONDENTS: 2,477 (2,390 transit agencies, 31 SSOAs, 56 States including the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands).

TOTAL RESPONSES: 4,843

TOTAL ANNUAL BURDEN HOURS: 146,940

COST TO RESPONDENTS: \$9,364,485

The table below presents the current estimates for information collection burden for transit agencies, SSOAs, and States.

Periodic Requests¹

FTA issues periodic requests to transit agencies, State Safety Oversight Agencies (SSOAs), and States. This may include, for example, Safety Advisories or Safety Directives that require information collection transit agencies, SSOAs, or States.

	Quantity	Hours	Agencies	Total Hours	Cost ²
Safety Advisories/ Directives: Transit Agencies	2	30	2,390	143,400	\$9,138,882
Safety Advisories/ Directives: SSOAs	2	30	31	1,860	\$118,537
Safety Advisories/ Directives: States	1	30	56	1,680	\$107,066
				146,940	\$9,364,485

¹ Hours are projected based on an average of two requests a year to transit agencies and SSOAs and one request a year to States.

² Labor rate calculated by using 2022 Bureau of Labor Statistics (BLS) [Health and Safety Engineers, Except Mining Safety Engineers and Inspectors \(bls.gov\)](https://www.bls.gov) category 17-2110 (\$49.79) and adding 28% for fringe costs (\$63.73).

13. ESTIMATE OF TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION (NOT INCLUDING THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14.

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

14. ESTIMATE OF THE ANNUALIZED COST TO THE FEDERAL GOVERNMENT.

FTA administers a national transit safety program and compliance oversight process to advance safe, reliable, and equitable transit service throughout the United States. As part of this responsibility, FTA must continue to monitor the safety of public transportation systems throughout the country to identify and respond to emerging safety concerns. The table below provides estimates of the labor costs to FTA.

Costs are based on GS-12 Step 5 \$51.15 per labor hour [SALARY TABLE 2023-DCB \(opm.gov\)](#). Using this rate, FTA estimates a total annual cost to Federal Government of **\$102,300**

Contract and IT support is provided at an annual estimate of **\$38,390**.

Total annualized cost to the Federal government is \$140,690.

Federal Transit Administration

Annual Activity for PRA Related Activities	Labor Hours	Total Cost
Periodic Requests	2,000	\$102,300
Total	2,000	\$102,300

15. EXPLAIN REASONS FOR CHANGES IN BURDEN, INCLUDING THE NEED FOR ANY INCREASES

This is a request for a new information collection.

16. PLANS FOR TABULATION AND PUBLICATION FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED.

FTA does not plan to publish the results of the information collected for statistical use.

17. IF SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL, EXPLAIN THE REASONS.

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

18. EXPLAIN ANY EXCEPTIONS TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19 OF OMB FORM 83-I.

No exceptions are stated.