

Federal Highway Administration
Transportation Performance Management Performance Biennial Reports
Supporting Statement
OMB Control NO. 2125-0656

Introduction: This supporting statement represents an updated request for Transportation Performance Management (TPM) Performance Biennial Reports to be collected by the Department of Transportation according to 23 U.S.C. 150(e) and 23 CFR 490.107. These reports are to be collected every two years from State DOTs. The update request is to account for the addition of the GHG measure to 23 CFR 490 subpart A and subpart E. This submission is for an NPRM and is also a reinstatement without change.

Part A. Justification.

1. Circumstances that make collection of information necessary:

The MAP-21 (Pub. L. 112-141) and FAST Act (Pub. L. 114-94) transformed the Federal-aid highway program by establishing new requirements for transportation performance management (TPM) to ensure the most efficient investment of Federal transportation funds. Prior to MAP-21, there were no explicit requirements for State DOTs to demonstrate how their transportation program supported national performance outcomes. State DOTs were not required to measure condition or performance, establish targets, assess progress toward targets, or report on condition or performance in a nationally consistent manner that the Federal Highway Administration (FHWA) could use to assess the entire system. Without States reporting on the above factors, it was difficult for FHWA to examine the effectiveness of the Federal-aid highway program as a means to address surface transportation performance at a national level. The TPM regulations changed this paradigm and require states to measure condition or performance, establish targets, assess progress towards targets, and report on condition or performance biennially (23 U.S.C. 150(e) and 23 CFR 490.107).

These biennial reports allow the assessment of progress in a consistent manner nationally.

For the purposes of this data collection effort, we are only evaluating the State DOT costs of preparing and submitting the biennial reports required by 23 CFR 490.107, and the Federal Government cost of assessing if State DOT's have achieved significant progress toward meeting their targets as required by 23 CFR 490.109. The biennial reports contain information such as: transportation condition and performance targets, a discussion of the basis for those targets, progress toward targets, a historic baseline, discussion of coordination efforts, reports on freight bottlenecks, other information applicable or relevant to specific State or region.

As part of the rulemaking¹ implementing the MAP-21 and FAST Act requirements, FHWA evaluated all of the requirements of the individual rules in regulatory impact assessments (RIAs)². An RIA was also prepared as part of the rulemaking to establish the Greenhouse Gas Emissions Measure (GHG measure)³ in 2023. The regulatory analysis estimated the economic impact, in terms of cost and benefits, on Federal, State, and local governments, as well as private entities required by E.O. 12866 and E.O. 13563 to inform policy makers and the public on the relative worth of the proposed rule. The cost for the biennial

¹ 2nd National Performance Management Measures Rule (PM2): Assessing Pavement Condition for National Highway Performance Program and Bridge Condition for National Highway Performance Program; Assessing Performance of National Highway System, etc. (RIN: 2125-AF53) <https://www.federalregister.gov/d/2021-27948>

³rd National Performance Management Measures Rule (PM3): Assessing Performance of National Highway System, Freight Movement on Interstate System, and Congestion Mitigation and Air Quality Improvement Program (RIN 2125-AF54) <https://www.federalregister.gov/d/2017-05518>

² PM 2 Rule RIA. Docket FHWA-2013-0053. Document ID: FHWA-2013-0053-0223 <https://www.regulations.gov/document/FHWA-2013-0053-0223>

PM 3 Rule RIA. Docket FHWA-2013-0054. Document ID: FHWA-2013-0054-8286 <https://www.regulations.gov/document/FHWA-2013-0054-8286>

³ GHG Measure Final Rule RIA. Docket FHWA-2021-0004. RIN 2125-AF99 <https://www.federalregister.gov/documents/2022/07/15/2022-14679/national-performance-management-measures-assessing-performance-of-the-national-highway-system>

reporting identified in this Statement come from those 3 detailed RIA analyses. The RIAs estimated the average annual reporting burden at 1,064 hours annually per State DOT for compiling, organizing, presenting data, and submitting the report. The Federal Government cost to assess significant progress is identified as a total average cost of \$94,839 annually.

The costs associated with collecting, analyzing, and reporting the data required to develop the targets and baseline information is already covered by existing OMB clearances and have reference numbers for those clearances as follows: Congestion Mitigation and Air Quality Improvement (CMAQ) Program information collection, OMB No. 2125-0614. The cost of State DOT and MPO coordination, and MPO reporting is covered under Planning OMB No. 2132-0529.

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

The information being requested in the TPM Biennial Reports, required in 23 CFR 490.107, will be provided to the DOT-FHWA in an electronic format through an online data form called the Performance Management Form (PMF). State DOTs shall prepare and submit the PMF form. In 2024 only, the report information being requested for the GHG measure in 23 CFR 490.107(d) shall be prepared and submitted to FHWA outside the PMF, via the electronic template provided by FHWA.

The DOT-FHWA Office of Infrastructure will receive these reports. The reports will specifically be used to meet the legal reporting requirements of 23 U.S.C. 150(e) and 23 CFR 490.107, and collect the data necessary for the Federal Government to assess significant progress toward targets (23 CFR 490.109).

3. Extent of automated information collection:

This collection will be distributed electronically and 100% of the responses will be provided to the DOT-FHWA in an electronic format through an online data form called the Performance Management Form (PMF), which has been incorporated

into the UPACS system. In 2024 only, the biennial report information being requested for the GHG measure in 23 CFR 490.107(d) shall be prepared and submitted to FHWA outside the PMF using the electronic template provided by FHWA. The GHG measure reporting will be incorporated into the PMF electronic reporting for the 2026 Biennial Report. (23 CFR 490.107) FHWA was directed to have the initial collection in February 2024. The PMF (the system we use for the collection of the other measures and will use for the GHG measure starting in 2026) was built to accept a single collection from September – October of each even year. Given the time between the FR publication and the initial data collection for the new GHG measure in February 2024, there is not time nor funds to redevelop the PMF to accept this single data collection. Thus, the February 1, 2024, data collection for the GHG measure shall be outside the PMF using the electronic template provided by FHWA. FYI - The FRN contains regulation text that says the February 1, 2024, report will be submitted using the 'electronic template provided by FHWA'.

4. Efforts to identify duplication:

The Transportation Performance Management Performance Biennial Reports is the only report of its kind.

5. Efforts to minimize the burden on small businesses:

Small businesses are not impacted by this data collection.

6. Impact of less frequent collection of information:

23 U.S.C. 150(e) and 23 CFR 490.107 require biennial data collection. A less frequent collection is not allowed by law.

7. Special circumstances:

None.

8. Compliance with 5 CFR 1320.8:

FHWA published a notice of the information collection associated with the GHG measure and solicited public comments. The federal notice was as follows: Notice of Proposed Rulemaking in the Federal Register on 7/15/22, at 87 FR 42401. There were no comments related to the collection of the biennial reports.

9. Payments or gifts to respondents:

This collection does not include and payments or gifts to respondents.

10. Assurance of confidentiality:

The Transportation Performance Management Performance Biennial Reports are for public consumption. No assurance of confidentiality applies.

11. Justification for collection of sensitive information:

No sensitive information is being collected under this statement.

12. Estimate of burden hours for information requested:

Respondents: 52 State DOTs including Washington DC and Puerto Rico.

Frequency: Once every two years.

Estimated Average Burden per Response: Approximately 2,128 hours for an individual State DOT per biennial report, or an average of 1,064 hours annually.

Estimated Total Annual Burden Hours: Approximately a total of 110,656 hours for all State DOTs per biennial reporting, or an average of 55,328 hours annually.

For ROCIS input purposes the annual numbers will be multiplied by 2 and divided by 3 (3 years).

13. Estimate of total annual costs to respondents:

Capital/Start-up Costs= \$0 State DOTs can use existing software for compiling reports internally and the electronic template provided by FHWA for submittal of the report.

Annual Reporting Cost for all 52 State DOTs= \$4,056,893

This number was derived from the cost of the biennial reporting identified from those three detailed RIA analyses discussed in the Justification section.

14. Estimate of total cost to the Federal government:

Federal Government cost to assess significant progress is a total of \$189,677 per biennial determination, or an average of \$94,839 annually.

This number was derived from the cost of the biennial reporting identified from those three detailed RIA analyses discussed in the Justification section.

15. Explanation of program changes or adjustments:

The addition of the GHG measure increases the volume of information reported.

16. Publication of results of data collection:

The results of the collection will be published by the DOT-FHWA on an external web page on a biennial basis.

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

There is no justifiable reason for not displaying expiration date.

18. Exceptions to certification statement:

DOT-FHWA is not seeking an exception to this certification statement.