

**DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION (FHWA)**

**1 INFORMATION COLLECTION SUPPORTING STATEMENT
INTERSTATE SYSTEM ACCESS – REPORTS
2125-XXXX**

INTRODUCTION

This is to request the Office of Management and Budget’s (OMB) three-year approval for the information collection entitled, “INTERSTATE SYSTEM ACCESS – REPORTS”. The Federal Highway Administration (FHWA) is proposing to codify in new Interstate System Access regulations (23 CFR Part 624) requirements for the submittal of two reports that State Departments of Transportation (State DOTs) have submitted to FHWA for years under existing policy: the Interstate Access Justification Report (IAJR) and the Programmatic Agreement (PA) annual report. The IAJR has been submitted under existing policy since 1990. 55 FR 42670 (October 22, 1990). It provides the justification and documentation necessary to substantiate any proposed changes in access to the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System) and facilitates FHWA’s decision-making considering the safety, operations, and engineering (SO&E) aspects of the proposed change. The PA annual report has been submitted since 2013, when programmatic agreement procedures were first established, to track IAJRs that have received SO&E determinations and the processes used to make those determinations under the PA.

Part A. Justification

1. Circumstances that make the collection of information necessary.

It is in the national interest to preserve and enhance the Interstate System to meet the needs of the 21st century by assuring that it provides the highest level of service in terms of safety and mobility. Full control of access along the Interstate mainline and ramps, along with control of access on the crossroad at interchanges, is critical to such service. Collecting information in the form of an IAJR allows FHWA to adequately review a State DOT’s proposed changes in access to the Interstate System and determine the safety and mobility impacts prior to making a decision of acceptability of a proposed construction project. In addition, information collected in the IAJRs is streamlined to remove duplication amongst other programs within FHWA and reduce administrative burdens to State DOTs.

The FHWA is proposing to codify in regulations requirements for State DOT requests for FHWA approval of changes in access to the Interstate System. The requirements include the submission of IAJRs and PA annual reports to FHWA. This collection aligns with the DOT Safety priority.¹

Under 23 U.S.C. 111, all agreements between the Secretary and State DOTs for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. In addition, section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and 23 U.S.C. 111(e) provide the Secretary with the authority to enter into PAs with the States that establish efficient administrative procedures for carrying out required project reviews. The Secretary has

¹ See, e.g., <https://www.transportation.gov/safety>.

delegated authority to administer section 111 to the Federal Highway Administrator pursuant to 49 CFR 1.85(a)(1).

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

FHWA's decision to approve change in access points to the Interstate System must be supported by technical information indicating that the proposed change in access will not have a significant adverse impact on the safety for all roadway users and operation of the Interstate facility.

FHWA is proposing to require in 23 CFR 624.9(a) that such technical information be submitted to FHWA in the form of an IAJR that meets the requirements of proposed 23 CFR 624.11, together with a letter requesting the change in access. The FHWA staff in the division (field) office will review the IAJR to determine whether the request is consistent with FHWA policy and applicable requirements and whether to recommend concurrence. The IAJR may be shared with staff in FHWA's Resource Center and headquarters depending on the complexity of the analysis where supplemental technical expertise is needed. In some cases, the IAJR is then transmitted to FHWA headquarters, Office of Infrastructure, to make the determination on the IAJR.

State DOTs have the option of entering into a PA with FHWA to make safety, operations, and engineering determinations on IAJRs. A State DOT that has an approved PA is required to submit a PA annual report, which is used to monitor the performance of the PA. The FHWA staff in the division (field) office will review the annual report as part of their oversight of the PA process.

3. Extent of automated information collection.

State DOTs are required to submit the IAJR and PA annual report in an electronic format (e.g., Adobe Acrobat file) to FHWA. The proposed rule requires electronic submissions for these reports.

4. Describe efforts to identify duplication.

The needed safety and operational analysis and associated plan details provided in IAJRs are not available elsewhere. While bits and pieces of the needed information may be included in National Environmental Policy Act (NEPA) environmental documents, the information there is presented for the purpose of public input and agency evaluation of environmental impacts and is not as detailed as the technical analysis contained in the IAJR. The PA annual report has a focus on performance of the PA and as a result it does not duplicate similar information already available for other purposes.

5. Efforts to minimize the burden on small businesses.

This collection will only be required when a State DOT requests a change in access to the Interstate System. The annual report will only apply to State DOTs with approved PAs for Interstate System access and will only be required when a State DOT makes a determination on an IAJR. This request does not place a burden on small businesses to submit information, because State DOTs are the only agencies allowed to submit an IAJR and PA annual report to

FHWA. This will remain the case under the proposed regulations in 23 CFR Part 624.

6. Impact of less frequent collection of information.

Information contained in IAJs is necessary for FHWA to determine if individual requests for new or revised access to the Interstate System are acceptable based on safety, operations, and engineering. The inability to collect the information could result in delays in FHWA approval of changes in access to the Interstate System, thereby delaying State improvements to Interstate infrastructure. Information contained in PA annual reports is necessary for FHWA to determine if a State DOT is effectively executing a PA for Interstate System access. The inability to collect this information would increase the risk associated with FHWA entering into PAs because there would be no instrument in place to monitor the performance of the PA.

7. Special Circumstances.

FHWA does not have any special circumstances to this information collection.

8. Compliance with 5 CFR 1320.8(d).

The Notice of Proposed Rulemaking (NPRM) was issued on September 19, 2023 [88 FR 64388]. There were 19 comments with approximately 58 questions that were responded to on the NPRM. None of the comments were related to the Paperwork Reduction Act information collection but were related to the regulatory language in the Interstate System Access policy.

9. Payment or gifts to respondents.

No payments or gifts are given to respondents under the proposed regulations.

10. Assurance of confidentiality.

The information contained in the IAJ is an engineering technical analysis and is not proprietary in nature. The information contained in the PA annual report is related to State DOT processes that are not proprietary in nature. Therefore, assurance of confidentiality is not required.

11. Justification for collection of sensitive information.

The IAJs and PA annual reports do not contain sensitive information.

12. **Estimate of burden hours for information requested.**

| IAJR (TABLE 1) | | | |
|------------------------------|--|------------------------------|---|
| Number of Respondents | Frequency of Responses (annual) | Burden Hours (annual) | Cost for Hourly Burdens (annual) |
| 52* | 30* | 3,900** | \$292,500 |

*Please note that IAJs are submitted based on need, as a result there is no expectation that all respondents will submit IAJs annually. Based on historical data, a maximum of 30 annual responses are expected.

**Estimated burden hours were calculated as follows: 130 hours (IAJR Development) x 30 IAJs per year = 3,900 burden hours.

The estimate in Table 1 assumes that out of 52 respondents (State DOTs) FHWA only receives approximately 30 responses total per year (some State DOTs may go several years without submitting an Interstate Access request) in the form of IAJs for review and approval. The burden hours account for time expended by respondents to develop the technical analysis needed to justify an Interstate System access modification and respond with the submittal of an IAJR to FHWA.

| PA ANNUAL REPORT (TABLE 2) | | | |
|-----------------------------------|--|------------------------------|---|
| Number of Respondents | Frequency of Responses (annual) | Burden Hours (annual) | Cost for Hourly Burdens (annual) |
| 5* | 5* | 50** | \$3,750 |

*Estimate assumes 5 State DOTs enter into PAs and will submit 1 annual report each year.

**Estimated burden hours were calculated as follows: 10 hours (PA Report Development) x 5 PA Reports per year = 50 burden hours

The estimate in Table 2 assumes that 5 State DOTs are working under a PA and that they will submit one annual report each to the FHWA Division for review. The burden hours account for time to compile information for the annual report and submit the report to FHWA.

Salary costs associated with the burden of hours was estimated at \$75 per hour. This rate was derived from the hourly and annual wage data for State DOT employees from the Bureau of Labor Statistics (BLS) Occupational Employment Statistics Research Estimates by State Industry, https://www.bls.gov/oes/current/oes_research_estimates.htm. The salary information was gathered from the Architectural and Engineering job category. The mean hourly wage was multiplied by a factor of 1.7416 to account for the cost of employer-provided benefits. The factor was derived from the BLS *Employer Costs for Employee Compensation*, December 2023. (Table 5: Management, professional, and related occupations, <https://www.bls.gov/news.release/pdf/ecec.pdf>.)

13. **Estimate of the total annual costs burden.**

There is no capital/start-up and operation/maintenance cost foreseen for the preparation of

IAJRs.

14. **Estimates of costs to the Federal Government.**

| IAJR (TABLE 3) | | | |
|------------------------------|--|------------------------------|---|
| Number of Respondents | Frequency of Responses (annual) | Burden Hours (annual) | Cost for Hourly Burdens (annual) |
| 52* | 30* | 990** | \$84,150 |

*Please note that IJR's are submitted based on need, and as a result, there is no expectation that all respondents will submit IAJRs annually. Based on historical data, a maximum of 30 annual responses are expected.

**Estimated burden hours were calculated as follows: 33 hours (Review/Coordination) x 30 IAJRs per year = 990 burden hours.

The estimate in Table 3 assumes that FHWA will receive approximately 30 responses in the form of IAJRs from respondents on an annual basis, and approximately half of those will require review by FHWA headquarters staff. The burden hours account for the time needed to review and coordinate IAJRs by the FHWA Division offices and Headquarters.

| PA ANNUAL REPORT (TABLE 4) | | | |
|-----------------------------------|--|------------------------------|---|
| Number of Respondents | Frequency of Responses (annual) | Burden Hours (annual) | Cost for Hourly Burdens (annual) |
| 5* | 5* | 10** | \$850 |

*Estimate assumes 5 State DOTs enter into PAs and will submit 1 annual report each year for review by FHWA.

**Estimated burden hours were calculated as follows: 2 hours (Review/Coordination) x 5 PA Reports per year = 10 burden hours.

The estimate in Table 4 assumes that FHWA Division offices will receive 5 annual reports to review from State DOTs that have entered into PAs. The burden hours account for the time needed to review the annual reports.

Salary costs associated with the burden of hours is estimated at \$85 per hour. This rate was derived from the *2024 General Schedule (GS) Locality Pay Tables*, <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/general-schedule/>.

The hourly basic rate for a GS-12 Step 5 was multiplied by a factor of 1.7416 to account for the cost of employer-provided benefits. The factor was derived from the BLS *Employer Costs for Employee Compensation*, December 2023. (Table 5: Management, professional, and related occupations, <https://www.bls.gov/news.release/pdf/ecec.pdf>.)

15. **Explanation of the program change or adjustments.**

This is a new collection.

16. **Publication of results of data collection.**

The collections included in this request will not be published.

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

This request is not seeking an approval not to display the expiration date of the OMB approval.

18. **Exceptions to the certification statement. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS."**

There are no exceptions to the certification statement for this information collection request.