

11FEDERAL RAILROAD ADMINISTRATION
Uniform Report of Small Business (SB) Commitments/Awards and Payments
11SUPPORTING JUSTIFICATION
OMB No. 2130-NEW
Form Number FRA F 6180. 281

Summary of Submission

- This submission is a new collection of information on Uniform Report of Small Business (SB).
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on July 30, 2024. See 89 FR 61230. FRA received no comments in response to this Notice.
- The total burden hours requested for this information collection submission is 49,980 hours.
- The total number of responses requested for this submission is 140.

1. Circumstances that make collection of the information necessary.

The Disadvantaged Business Enterprise (DBE) program is statutorily mandated and intended to assist small businesses owned and controlled by socially and economically disadvantaged individuals to compete fairly in the Department of Transportation’s (DOT) transportation funding programs for certain highway, transit, and aviation programs. The DBE program is implemented by recipients of DOT financial assistance. The DOT DBE directive does not include rail assistance programs and FRA does not have a mandated DBE program. Rather, FRA issues and manages rail assistance programs in compliance with the DOT regulations for implementing Title VI of the Civil Rights Act of 1964 found at 49 CFR Part 21 and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at 2 CFR Part 200. Specifically, 2 CFR 200.321 (a)-(b)(6) provides affirmative steps a non-Federal entity must take to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.

In 2015, Congress instructed the Secretary of Transportation to conduct a nationwide disparity and availability study on the availability and use of small businesses owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects. The report for the study was provided to Congress in 2022. The report noted a gap in data available for analysis to determine if there is any disparity in rail transportation grant awards. The proposed data collection will address this gap and aid future considerations of the application of the DBE program.

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

This is a new mandatory collection of information. FRA is proposing a new form to carry out its oversight responsibilities of non-Federal entities receiving grant funds. The new SB Commitments/Awards and Payments Form will be collected annually from grant recipients to conduct program oversight of recipients' SB programs and to identify trends or opportunities for improvement in the program. The new form requires recipients to include information about their SB aspirational goals for that year and the SB participation they managed to achieve during that time. The data collection is necessary to ensure that the SB program is achieving its goal of encouraging SB participation in the Federal Railroad-related contracts.

3. **Extent of automated information collection.**

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce the paperwork burden on respondents. FRA estimates that 100 percent of all responses will be collected electronically by the grant recipients.

4. **Efforts to identify duplication.**

The information collection requirements to FRA's knowledge are not duplicated anywhere. Similar data are not available from any other source.

5. **Efforts to minimize the burden on small businesses.**

There are minimal impacts to small businesses anticipated in this data collection. The reporting burden is on the grant recipient, but some verification of contact information from the recipient to small business may occur.

6. **Impact of less frequent collection of information.**

Data collection is designed to provide a periodic data set for analysis that will align with and provide temporal comparisons with other similar small business utilization data collections. Less frequent collection of the data will result in diminished usefulness of the dataset because it will not be readily comparable to and aligned with other existing data collections.

7. **Special circumstances.**

There are no special circumstances.

8. **Compliance with 5 CFR § 1320.8.**

As required by the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations in 5 CFR part 1320, FRA published a notice in the *Federal Register* on July 30,

2024,¹ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received no comments.

Consultations with representatives of the affected population:

This data collection is part of the remedial activities coming from the agency’s September 20, 2022, commission Report to Congress Concerning Minority- and Women-Owned Small Businesses in Industries Related to the Rail Transportation Sector.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. Assurance of Confidentiality.

The information collected is not of a confidential nature and FRA pledges no assurance of confidentiality.

11. Justification for any questions of a sensitive nature.

The information collection does not contain any data of a personal or sensitive nature.

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA’s Office of Civil Rights.

Form Name	Form Number	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C=A*B)	Wage Rate (E) ²	Total Cost Equivalent in U.S. Dollars (D=C*E)
Small Business (SB) Commitments/Awards and Payments	FRA F 281	140	357 hours	49,980	\$45.81	\$2,289,584
Total		140 responses	N/A	49,980 hours	N/A	\$2,289,584

13. Estimate of total annual costs respondents.

Besides the burden hours listed in the answer to question 12 above, there are no additional costs to respondents.

14. Estimate of Cost to Federal Government.

¹See 89 FR 61230

² The dollar equivalent cost is derived from the May 2022 Department of Labor, Bureau of Labor Statistics (BLS), using the median hourly wage rate for a Management Analyst 13-1111 of \$45.81.

To estimate the government administrative cost, the 2024 Office of Personnel Management (OPM) wage rates at the GS-14 to GS-12, for the Washington, D.C. area were used. The average wage (step 5) was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent.

The breakdown is shown in the table below:

Grade/Step	No. Of Employees	Hours (Annually)	Hourly Wage	Wage Rate (Incl. 75% Overhead)	Total Annual Cost
GS-14/5	1	12	\$75.70	\$132.48	\$ 1,589.76
GS-12/5	2	48	\$53.87	\$94.27	\$ 9,049.92
Total Annual Cost		108			\$10,639.68

15. Explanation of program changes and adjustments.

This is a new collection of information. The total requested burden for this information collection is 49,980 hours and 140 responses on an annual basis. This entire submission is a program change.

16. Publication of results of data collection.

FRA will publish aggregate data annually. The data will be used to inform decisions about the FRA's small business development efforts.

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

FRA intends to display the expiration date.

18. Exception to Certification for Paperwork Reduction Act Submission.

No exceptions are taken at this time.