

## The Supporting Statement

### Introduction:

National Scenic Byways Program, this is a notice of request for an extension of the currently approved Information Collection.

### Part A. Justification.

#### 1. Circumstances that make collection of information necessary:

*Background:* Title 23, Section 162 of the United States Code describes the creation of the National Scenic Byways Program. This legislation was most recently amended in 2005 upon passage of the P.L. 109-59 Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). The legislation requires the U.S. Secretary of Transportation to carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities. Designations as National Scenic Byways, All American Roads, or America’s Byways are made periodically based on voluntary nomination by States, Indian tribes, or Federal land management agencies. The legislation also includes provisions for review and dissemination of grant monies by the U.S. Secretary of Transportation. Grant applications are solicited on an annual basis. Eligible projects are on State designated byways, National Scenic Byways and All-American Roads, or Indian tribe scenic byways. Applications are completed by Federal, State, or local governmental agencies; Tribal governments; and non-profit organizations.

The grant application and nomination application information will be collected electronically via the online system on [www.bywaysonline.org](http://www.bywaysonline.org).

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

The grant application information collected by FHWA and DOT is used to determine if the proposed project is eligible for National Scenic Byways Program grant funds. The Secretary of Transportation makes the final decision as to which projects to fund – this popular program traditionally receives requests for two to three times the amount of funding available.

Grant application information collected indicates the project location including Congressional district, describes the scope of work, provides a detailed project budget including the source of matching funds, indicates who is responsible for ensuring the work is completed, and describes project benefits.

The grant application information collected is also used to notify Congress as to the selected projects. Upon award of the project, the information is used by the State, Indian tribe, or Federal land management agency administering the project, to develop the project agreement and ensure that the project is delivered as agreed upon.

The nomination application information collected by FHWA and DOT is used to determine whether a designated State or Indian tribe scenic byway should be designated as one of America's Byways by the Secretary of Transportation.

Nomination application information collected indicates where the nominated byway is located, the length of the byway, the stories and intrinsic qualities associated with the byway, the byway's corridor management plan, as well as marketing collateral (i.e., photos, maps and brochures from the byways).

3. Extent of automated information collection:

The grant and nomination applications are electronic and available via [www.bywaysonline.org](http://www.bywaysonline.org). FHWA staff reviews applications electronically. Notifications to Congress are also made electronically.

4. Efforts to identify duplication:

There is no duplication or existing source for the information to be collected.

5. Efforts to minimize the burden on small businesses:

N/A

6. Impact of less frequent collection of information:

The National Scenic Byways Program receives an annual appropriation of funds, thus the FHWA makes an annual call for projects. Nominations are only solicited periodically based on interest from States, Indian tribes, and Federal land management agencies. Previous designations occurred in 1996, 1998, 2000, 2002, 2005, and 2009.

7. Special circumstances:

N/A

8. Compliance with 5 CFR 1320.8:

Notice in the Federal Register was published on November 27, 2009, (Volume 74, No. 227 on pg. 62378-9). There were no comments submitted.

9. Payments or gifts to respondents:

N/A funding is provided only to projects selected by the U.S. Secretary of Transportation.

10. Assurance of confidentiality:

The privacy policy of [www.bywaysonline.org](http://www.bywaysonline.org) protects the rights of individual users under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act', and other laws relevant to the protection of the privacy of an individual). All information is gathered, stored, and used in accordance with the above-mentioned Privacy Act.

For specific information regarding the privacy policies, please visit:  
<http://www.bywaysonline.org/about/privacy.html>.

11. Justification for collection of sensitive information:

N/A

12. Estimate of burden hours for information requested:

Grants Application Respondents: In a typical grants cycle, it is estimated that 400 applications will be received. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico (Right-of-Way Department), Federal Land Management Agencies, State and local governments, non-profit agencies, and Tribal Governments.

Frequency: Annual.

Estimated Average Burden per Response: 16 hours

Burden Hours: 16hrs x 400 applications = 6400

\$22.44/hr (with overhead cost) x 16 hours = \$359.04 for each application

\$359.04 x 400 applications = \$143,616 in total.

Nominations Respondents: Based on previous nomination cycles, it is estimated that a total of 75 nominations will be received. Respondents include: 50 State Departments of Transportation, the District of Columbia and Puerto Rico (Right-of-Way Department), Federal Land Management Agencies, State and local governments, non-profit agencies, and Tribal Governments.

Frequency: Every 2 to 4 years.

Estimated Average Burden per Response: 200 hours

Burden Hours: 200hrs x 75 nominations = 15000

\$22.44/hr (with overhead cost) x 200 hours = \$4488.00 for each application

\$4488.00 x 75 applications = \$336,600

Total (applications and nominations)

21400 burden hours

475 Respondents

13. Estimate of total annual costs to respondents:

There is no cost beyond the labor cost outlined in question # 12 for the respondents.

14. Estimate of cost to the Federal government:

\$51.37/hr (Grade 13 Step 1, with 1/3 overhead costs) x 4 hours of review = \$205.48 for each application review at FHWA Division level.

\$51.37/hr (Grade 13 Step 1, with 1/3 overhead costs) x 8 hours of review = \$410.96 for each application at the FHWA HQ level.

$\$205.48 + \$410.96 = \$616.44 \times 475 = \$292,809$  in total labor.

15. Explanation of program changes or adjustments:

N/A

16. Publication of results of data collection:

There will be a press release published.

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

N/A

18. Exceptions to certification statement:

N/A