

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

JUSTIFICATION STATEMENT

49 U.S.C. SECTIONS 5310 – CAPITAL ASSISTANCE PROGRAM FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES AND SECTION 5311-NONURBANIZED AREA FORMULA PROGRAM

OMB# 2132-0500

This justification statement is associated with a request for a revision of a currently approved information collection. The change in this collection reflects an increase in burden on the public and federal government. The increase is due to three factors:

- An increase in the number of Section 5310 applicants due to a change in the Moving Ahead for Progress in the 21st Century (MAP-21) Act. MAP-21 changed the eligible recipients for Section 5310 from only states to states and designated recipients in urbanized areas, greatly increasing the number of applicants.
- The addition of a pilot discretionary grant program under the Section 5310 program in the FAST Act.
- An increase in the number of Indian Tribes participating in the Tribal Transit program.

A. Justification

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY.

The Federal Transit Administration (FTA) provides financial assistance to states, local governments, private nonprofit agencies, and public bodies through the Section 5311 program for transportation services in non-urbanized areas. The Rural Transit Assistance Program (RTAP), a subsection of Section 5311, provides for training, technical assistance, and related activities to support rural public transportation. States are the direct recipients of Section 5311 and RTAP funding. The Tribal Transit Program, another subsection of Section 5311, provides transportation services to federally recognized Indian tribes. The Tribal Transit Program consists of a \$30 million formula program and a \$5 million competitive program each year. FTA provides transportation services designed to meet the mobility needs of seniors and persons with disabilities through the Section 5310 program. This program is apportioned to designated recipients in large urbanized areas and to States for distribution in small urbanized and rural areas.

In the Fixing America's Surface Transportation (FAST) Act, Congress created a new discretionary pilot program for innovative coordinated access and mobility - open to 5310 recipients and sub-recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency

medical transportation (NEMT) services; such as: the deployment of coordination technology, projects that create or increase access to community One-Call/One-Click Centers.

The provisions of 49 U.S.C. Sections 5310 and 5311, 49 CFR Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” and 49 CFR Part 19, “Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations,” require that FTA review Section 5310 and Section 5311 applications for federal financial assistance. This review assesses eligibility and compliance with statutory and administrative requirements and provides a basis for monitoring approved projects to ensure timely and appropriate expenditure of federal funds by grant recipients. The applications must contain enough information to enable the agency to make the findings required by law and enforce program requirements.

Although differences exist in the administration of these two programs, the information collection under each program is structured to comply with legislative and administrative mandates. Generally, the reporting requirements are identical and are submitted by grantees in two stages: the application stage and the project management stage. Since States administer the Section 5311 program and the Section 5310 program in small urban and rural areas, application and reporting requirements to FTA have been streamlined and made as minimal as possible. For each program, the state submits a consolidated annual application on behalf of all the subrecipients within the state. Designated recipients administer the Section 5310 program in large urbanized areas. The sub-recipients do not submit information directly to FTA, but are required by the State or designated recipient to file sufficient documentation to support the assurances and certifications the state must make on their behalf.

APPLICATION STAGE

During the application stage, FTA must determine the applicant’s eligibility to receive program funds. Project planning requirements must be complete and properly documented prior to submitting grant applications. FTA must know: (a) who the applicant is; (b) for what purpose the funds are requested; and (c) the amount of federal funds requested.

A description of the application stage requirements, as included in the program circulars, follows:

- a. The Project Budget identifies funds for project implementation. The applicant prepares the program budget, which identifies the local and federal shares that make up the project funding.
- b. The Program of Projects includes a list of subrecipients that will be funded, the total amount of funds for each subrecipient, and a description of the projects to be funded. Only certain categories of transit projects are eligible for funding, and the project

description enables FTA to determine whether funding of the proposed project is permissible under the law.

- c. The Project Implementation Plan is a brief plan for implementation of the program of projects. The plan should include significant milestones such as vehicle procurements and agreements with subrecipients, an estimated schedule for encumbrance of funds, and an estimated completion date for the grant.
- d. The State Management Plan or Program Management Plan describes the grantee's policies and operating procedures in administering the programs. The submission of this information is on a one-time basis. The information enables FTA to ascertain that the grantee's administration of the programs is consistent with federal policies without conducting repeated inspections and detailed supervision of each grantee's procedures. Significant changes in program procedures are reflected in revisions to the State Management Plan.
- e. Annual Certifications and Assurances certify compliance with all applicable related federal requirements. The annual notice, published in the Federal Register, provides the applicant with a single signature page on which the applicant and its attorney certify compliance with all certifications and assurances applicable to each grant for which the applicant wishes to apply in each fiscal year.

PROJECT MANAGEMENT STAGE

Upon notice of approval of the program of projects, the grantee may begin implementation of project elements.

The reporting requirements listed below are necessary to ensure proper and timely expenditure of federal funds within the scope of the approved program of projects for Section 5310 and 5311. This requirement complies with 49 CFR Parts 18 and 19 and is contained in FTA Circulars 9070.1G, "Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance & Application Instructions" and FTA Circular 9040.1G, "Formula Grants for Rural Areas Program Guidance and Application Instructions."

Financial Status Report. On an annual basis, the State should provide a financial status report (SF 269a) for each active grant.

Annual Program Status Report. The information collected is essentially an update of the program of projects for each active grant.

National Transit Database (NTD) Report. Recipients and subrecipients of Section 5311 funds are required to submit data to the NTD annually.

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED.

The information collected is used by FTA to determine eligibility for grant benefits and ensures compliance with federal requirements. The information is also used by FTA for program management and monitoring.

3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY.

49 U.S.C. Section 5310 and Section 5311 grant applications and project management reports are submitted electronically (100 percent) through the web-based Transit Award Management System (TrAMS). This electronic system allows grantees to apply for funds, seamlessly receive information about their requests, submit reports and provide overall project management. The TrAMS system has a point-and-click capability, menus and selection choices designed to streamline the application process and significantly reduce the amount of information a user needs to input the application.

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.

There is no duplication. The information is project specific and is not available elsewhere. Many requirements have been satisfied with one-time submissions that must be updated only when significant changes occur.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESS OR OTHER SMALL ENTITIES, DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

This information collection does not involve small businesses.

6. DESCRIBE CONSEQUENCES TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION WERE CONDUCTED LESS FREQUENTLY AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

The information that is collected during the application stage must be collected annually because grantees submit one annual grant during a fiscal year. Section 5311 and Section 5310 funds for small urban and rural areas are apportioned to the States each fiscal year. Section 5310 funds for large urban areas are apportioned to designated recipients each fiscal year. Section 5311(c)(2)(b) Tribal Transit Formula grants are apportioned to federally recognized Indian Tribes each fiscal year.

During the project management stage an annual financial report and an annual program status report is submitted. These reports provide needed financial information on the grant and a status of the program of projects.

The information collected during the application stage and the project management stage is required to ensure FTA compliance with the provisions of the Federal Transit Act and 49 CFR. If the information were collected less frequently than required during the application stage and the project management stage, it would inhibit FTA from determining the applicant's eligibility for funding. Also, less frequent submissions would reduce the effectiveness of FTA's monitoring responsibility required by 49 CFR Parts 18 and 19.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT REQUIRE THE COLLECTION TO BE CITED IN A MANNER INCONSISTENT WITH THE GUIDELINES IN 5 CFR 1320.6.

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

8. DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY.

A 60-day Federal Register notice was published on April 5, 2016 (page 19709), soliciting comments prior to submission to the Office of Management and budget (OMB). No comments were received from that notice. A 30-day Federal Register notice was published on August 2, 2016 Vol. 81 No. 148 (page 50786).

A national meeting of State program managers is held every other summer to discuss program administration issues. Approximately 90 program managers attend these meetings, representing most of the states.

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

No payment or gift is made to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

FTA gives no assurance of confidentiality since the information is not personal or sensitive in nature.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF SENSITIVE NATURE.

No questions of a sensitive nature are involved.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION AND ANNUALIZED COST TO RESPONDENTS.

Estimated Annual Number of Respondents: 423 (229 5310 respondents & 194 5311 respondents)

Estimated Total Annual Burden Hours: 45,087

Estimated Total Cost: \$1,352,610

Section 5310 Program

Annually, it is estimated to take 40 hours of application preparation and 49 hours of project management) for 229 respondents (States and designated recipients) for the Section 5310 Program.

Initial applications are estimated to take 20 hours to prepare. It is estimated that 16 applications would be approved each year under the discretionary program.

The total number of respondents is 229 as some grantees applied to both the formula and discretionary grant.

Application Stage:

213 respondents x 40 hours = 8,520 hours

16 respondents x 20 hours = 320 hours

Total Application Stage = 10,080 hours

Project Management Stage:

229 respondents x 49 hours = 8,840 hours

Total burden hours for Section 5310 Program = 20,061 hours (8,840 hours for application stage + 11,221 hours for project management stage).

Section 5311

Annually, it is estimated to take 74 hours of application preparation and 55 hours of project management per 194 respondents (54 for Section 5311 Formula Program and 140 for Tribal Transit Section 5311 Program).

Application Stage:

5311 Formula Program: 54 respondents (50 states and 4 territories) x 74 hours = 3,996 hours

this figure assumes that the applications are: 1) complete, 2) fundable and 3) non-controversial. More complex projects or programs of projects would consume additional time.

There are 423 respondents (213 Section 5310 formula and 16 Section 5310 discretionary and 50 states and 4 U.S. territories and 140 Tribal Transit respondents under the Section 5311 Program).

The applications are reviewed by a GS-12/5 at an hourly rate of \$39.

Therefore:

17 hours per respondent x \$39 x 423 respondents = \$280,449 annually for both programs for the application stage.

Project Management

A review of the progress and other project management reports submitted during a year should be completed within 1 hour by a GS-13 (average salary of \$40 per hour). There are approximately 1,692 progress reports submitted during a year (423 respondents submitting 4 reports per year).

Therefore:

The total cost for the project management stage is \$67,680 per year for both programs (\$40 x 1,692 = \$67,680).

The total cost to the federal government for application and project management stages is \$348,129 (\$280,449 application stage + \$67,680 project management stage).

15. EXPLAIN REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14.

The total number of burden hours associated with this request is 45,087, representing an increase of 24,205 hours from the previous request of 20,882 hours. The increase is due to three factors:

- An increase in the number of Section 5310 applicants due to a change in the Moving Ahead for Progress in the 21st Century (MAP-21) Act. MAP-21 changed the eligible recipients for Section 5310 from only states to states and designated recipients in urbanized areas, greatly increasing the number of applicants.
- The addition of a pilot discretionary grant program under the Section 5310 program in the FAST Act.
- An increase in the number of Indian Tribes participating in the Tribal Transit program.

16. PLANS FOR TABULATION AND PUBLICATION OF COLLECTION OF

INFORMATION WHOSE RESULTS WILL BE PUBLISHED.

There are no plans to publish the results of this information collection.

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.

No exceptions are stated.