

and there are no costs to respondents beyond the time spent completing the questionnaires.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2020-28904 Filed 12-30-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2016-0204]

Exploring Industry Practices on Distribution and Display of Airline Fare, Schedule, and Availability Information

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of withdrawal of request for information.

SUMMARY: The Department of Transportation ("Department" or "DOT") is withdrawing a Request for Information ("RFI") that solicited information on whether airline restrictions on the distribution or display of airline flight information harm consumers and constitute an unfair and deceptive business practice and/or an unfair method of competition. **DATES:** December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Kimberly Graber and Blane A. Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC

20590, 202-366-9342, 202-366-7152 (fax), kimberly.graber@dot.gov or blane.workie@dot.gov.

Electronic Access: You can view and download related documents and public comments by going to the website <http://www.regulations.gov>. Enter the docket number DOT-OST-2016-0204 in the search field.

SUPPLEMENTARY INFORMATION: The Department issued the RFI on October 31, 2016 in response to concerns raised by certain online travel agencies (OTAs), metasearch entities that operate flight search tools, and other stakeholders involved in the distribution of flight information and sale of air transportation, as well as consumer advocates and some members of Congress regarding certain practices related to the distribution and display of airline fare, schedule, and availability information.¹ The Department has also heard from airlines and other members of Congress opposing Departmental action in this area. On December 22, 2016, DOT extended the response date of the RFI to March 31, 2017.² On March 10, 2017, the Department suspended the response period while it evaluated next steps.³

The issue of airline restrictions on the distribution or display of airline flight information on third-party travel websites is a complex issue with far-reaching implications for consumers, airlines, ticket agents, and the various participants in the distribution chain. The Department recognizes that transparency is not only good for consumers but also good for competition in the airline industry. However, the Department also believes that airlines should be able to choose how and where they sell their products so long as they do not engage in unfair or deceptive practices. These two goals are not mutually exclusive. The Department does not consider its involvement at this time to be necessary to prevent unfair, deceptive, or anticompetitive practices. As such, the Department has decided to withdraw the RFI.

Issued in Washington, DC, under authority delegated in 49 CFR 1.27(n).

Christina G. Aizcorbe,
Deputy General Counsel.

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¹ 81 FR 75481.

² 81 FR 94021.

³ 82 FR 13375.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Regional Infrastructure Accelerators Demonstration Program

AGENCY: Build America Bureau, U.S. Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Fixing America's Surface Transportation (FAST) Act, enacted in December 2015, authorized the establishment of a Regional Infrastructure Accelerators Demonstration Program (the Program) to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program under Chapter 6 of Title 23, United States Code. The Further Consolidated Appropriations Act, 2020, enacted on December 20, 2019, appropriated \$5 million for this Program.

SUPPLEMENTARY INFORMATION: The Build America Bureau (Bureau) is issuing this NOFO to implement the Program and solicit applications for designating and funding Regional Infrastructure Accelerators (RIA) that will: (1) Serve a defined geographic area; (2) act as a resource to qualified entities in the geographic area in accordance with Section 1441 of the FAST Act; and (3) demonstrate the effectiveness of an RIA to expedite the delivery of eligible projects through the TIFIA credit program and, to the extent applicable, the Railroad Rehabilitation and Improvement Financing (RRIF) credit program, Private Activity Bonds (PABs) and other innovative financing methods.

Each section of this notice contains information and instructions relevant to the application process for the RIA grants. All applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Table of Contents

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration Information
- G. Federal Awarding Agency Contacts
- H. Other Information

A. Program Description

1. Background: The Bureau is responsible for driving transportation

infrastructure development projects in the United States through innovative financing programs. Its mission is to provide access to the Bureau's credit programs in a streamlined, expedient, and transparent manner. In accomplishing its mission, the Bureau also provides technical assistance and encourages innovative best practices in project planning, financing, delivery, and monitoring. The Bureau draws upon the full resources of DOT to best utilize the expertise of DOT's Operating Administrations while promoting a culture of innovation and customer service. Section 1441 of the FAST Act¹ provided the authority to establish the Program, and the Consolidated Appropriations Act, 2020,² appropriated \$5 million to fund the Program. The intent of this Program is to demonstrate and evaluate the viability and effectiveness of a small number of accelerators in expediting the development and delivery of specific transportation projects within the geographic area of each RIA designated by the Bureau. It is not the Bureau's intention to provide RIA coverage nationwide. However, the Bureau is keenly interested in testing several RIA models to address needs based on common transportation infrastructure make-up and challenges within regions, particularly those with less capacity or experience in innovative financing and project delivery methods, and those supporting eligible entities that are likely to be first time users of the Bureau's credit programs, such as the TIFIA credit program. Therefore, the Bureau plans to select approximately three, but not more than five, RIAs based on proposals submitted by eligible applicants in response to this notice. Ideally, at least one State/multi-State application, one urban application, and one rurally focused application will be selected. However, flexibility exists to consider other proposed geographic configurations if the regional make-up is sound. For example, the Bureau would consider an RIA that has a corridor focus that does not entirely fit within one of the categories outlined in Regional Designation as follows:

2. Regional Designation: For the purpose of this Program, the Bureau will consider regional designation as broadly defined in the following categories:

a. State or Multi-State: An RIA that serves one State or a group of State entities with common interest in transportation projects being delivered.

b. Urban or Metropolitan Planning Organization (MPO): An RIA that serves local government or group of local jurisdictions with transportation functions within a metropolitan area. For the purpose of this Program, if the RIA serves MPOs sharing State boundaries, it would be considered under this category.

c. Rural: An RIA that serves a region of rural communities as defined in this notice. An RIA serving multiple rural communities across state lines would be considered under this category. To be considered a rural RIA, most of the projects listed in the proposal must meet the definition of rural in Section C.5 of this notice.

d. Other: Any proposal that includes multiple jurisdictions with shared priorities and interest, such as a river basin, transportation corridor, etc.

3. Program Goals: The primary intent for the RIAs is to provide project-specific technical assistance for projects that are eligible for the TIFIA credit program. In addition, the Bureau is interested in identifying RIAs that can facilitate the acceleration of projects that are eligible for credit assistance through the RRIF credit program and PABs. This assistance can be in the form of any of the following, based on the needs of the project(s) that the applicant proposes to assist:

- a. Project planning;
- b. Studies and analysis, including feasibility, market analysis, project costs, cost-benefit analysis, value for money, public benefit, economic assessments, and environmental reviews;
- c. Revenue forecasting, funding and financing options analyses, application of best practices, innovative financing/procurement, and public-private partnerships, where appropriate;
- d. Preliminary engineering and design work;
- e. Statutory and regulatory framework analyses;
- f. Evaluation of opportunities for private financing, project bundling and/or phasing;
- g. Enhancement of rural project sponsors' capacity to use the TIFIA credit program and to the extent applicable, the RRIF credit program, PABs, and other innovative financing methods, helping to bundle projects across multiple smaller jurisdictions to create a project at a scale that is more appropriate for the Bureau's credit assistance, and pool the jurisdictions' resources to apply for TIFIA credit assistance and, to the extent applicable, RRIF credit assistance and PABs, as well as leveraging DOT's Rural Opportunities to Use Transportation for Economic

Success (ROUTES) Initiatives'³ products and offerings; and

h. Other direct, project-specific support as appropriate.

Funding, in the form of and pursuant to a cooperative agreement, will be provided for a single year, with an option for a second year for RIA that meet or exceed agreed-upon performance targets. Competitive proposals that demonstrate long-term self-sustainability will be given greater consideration. The Bureau intends to work closely with grant recipients in developing and, as applicable, financing projects within the RIA's geographic area.

B. Federal Award Information

1. The Bureau hereby requests applications from all interested parties to result in the award of several cooperative agreements, each containing substantial involvement on the part of the Federal government in accordance with Section 6305 of title 31, United States Code. The Bureau anticipates substantial Federal involvement between it and the recipient during this project will include among others:

- a. Technical assistance and guidance to the recipients;
- b. Close monitoring of performance;
- c. Involvement in technical decisions; and
- d. Participation in status meetings including kick off meeting and annual technical and budget reviews.

2. Total amount of funding that the Bureau expects to award under this notice is \$5 million.

3. The Bureau will conduct the RIA selection based on principles of full and open competition.

4. Program Funding and Awards:

- a. Number of Awards: The Bureau intends to select at least three but no more than five RIAs, based on the number and viability of applications.
- b. Size of Award: A total of \$5 million is available for this demonstration program. The size of individual awards will be determined by the number of RIAs selected and the funding needed for each to meet the program objectives.

5. Funding Period: The Bureau intends to award funds on a yearly basis for a period of two years under a cooperative agreement with the second year as an option year. A third option year of funding may be provided if the RIA is achieving agreed-upon performance objectives, subject to the availability of funds.

C. Eligibility Information

1. Eligible Applicants: To be selected as an RIA, an applicant must be an

¹ Public Law 114–94, 129 Stat. 1312, 1435.

² Public Law 116–94, div. H, tit. I, H.R. 1865 at 413 (as enrolled December 20, 2019).

³ <https://www.transportation.gov/rural>.

eligible applicant. An eligible applicant is: A U.S. public entity, including a state, multi-state or multi-jurisdictional group, municipality, county, a special purpose district or public authority with a transportation function including a port authority, a tribal government or consortium of tribal governments, MPO, regional transportation planning organization (RTPO), Regional Transportation Commission, or a political subdivision of a State or local government, or combination of two or more of the foregoing.

In the event that more than one public entity is applying in a single proposal, one of the entities must be designated as the lead applicant. Such applicant will be authorized to negotiate and enter into a cooperative agreement with the Government on behalf of the entities, will be responsible for performance, and will be accountable for Federal funds. Applications will be accepted from a partnership between one or more eligible applicants and another U.S. party, such as a private entity, consulting or engineering firms, etc., as long as one of the eligible public entities is designated as the lead applicant and that entity will enter into the cooperative agreement, with the shared goal of establishing and operating the RIA. The location of all RIA application parties, their entire jurisdictions and all proposed projects must be located solely in the United States and its territories. Proposed projects and project sponsors (prospective borrowers) must meet the eligibility requirements for TIFIA and RRIF credit assistance as further defined in Chapter 3 of the Bureau's Credit Program Guide (https://www.transportation.gov/sites/buildamerica.dot.gov/files/2019-08/Bureau%20Credit%20Programs%20Guide_March_2017.pdf#page=29). In addition, the Bureau will consider the extent to which an applicant demonstrates the capacity to accelerate projects eligible for the TIFIA credit program and, to the extent applicable, the (RRIF) credit program and (PABs).

2. Cost sharing or Matching: There is no requirement for cost sharing or matching the grant funds.

3. Other: For the purposes of this program, the following terms apply:

a. Rural Infrastructure Project: Consistent with the definition of "rural infrastructure project" for the TIFIA credit program, "rural" for the purposes of this notice is defined as a surface transportation infrastructure project located outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.

b. A proposed region whose geographic authority is in both an urban and a rural area will be designated as urban if the majority of the projects listed in the proposal are located in urban areas. Conversely, a proposed region located in both an urban area and a rural area will be designated as rural if the majority of the projects listed in the proposal are in rural areas.

c. Urban/Rural Project determination: A project located in both an urban and a rural area will be designated as urban if less than $\frac{1}{2}$ of the project's costs are spent in a rural area. If $\frac{2}{3}$ or more of a project's costs are spent in a rural area, the project will be designated as rural. For projects where between $\frac{1}{2}$ and $\frac{2}{3}$ of their costs are in a rural area, the project will be designated as rural if the applicant demonstrates that $\frac{2}{3}$ or more of the project's benefits accrue to users in rural areas; if the applicant does not make such demonstration, the project will be designated as urban.

D. Application and Submission Information

1. Address to Request Application Package: Applicants must submit all applications through www.Grants.gov. Instructions for submitting applications can be found at <https://www.transportation.gov/buildamerica/financing/tifia/regional-infrastructure-accelerators-program>.

2. Content and Form of Application: The application must include the Standard Form 424 (Application for Federal Assistance), cover page, and the application narrative.

A. Cover Page: Each application should include a cover page that contains, at minimum, name of the applicant and sponsor, if applicable, the location; the region of designation; category of designation for which the applicant is to be considered; and RIA budget amount.

B. Application Narrative: The application narrative should follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

Section	Section explained
I. Applicant	See D.2.I.
II. Description of Proposed Geographic/Jurisdictional Region.	See D.2.II.
III. Accelerator Proposal	See D.2.III.
IV. Budget, Sources and Uses for Full Accelerator Funds.	See D.2.IV.
V. Selection Criteria	See D.2.V.

The application narrative should include the information necessary for

the Bureau to determine that the applicant(s) proposed regional focus, the overall accelerator proposal, list of intended projects, budget, and other information satisfy the eligibility requirements set forth in this notice as described in Section C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Bureau. The Bureau may ask any applicant to supplement data in its application but expects applications to be complete upon submission.

In addition to the information requested elsewhere in this notice, the proposal should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Bureau recommends that the proposal be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The proposal narrative may not exceed 30 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 30-page limit are documents supporting assertions or conclusions made in the 30-page project narrative. If possible, applicants should provide website links to supporting documentation rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. The Bureau recommends using appropriately descriptive file names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding" and "Letters of Support," etc.) for all attachments.

I. Applicant: This section of the narrative should include information describing the organizational structure and formal/informal relationships between parties associated with the RIA application. It should directly address the eligibility requirements discussed in section C.1 of this notice. The applicant should use this section to explain the organization's history, qualifications, and experience of key individuals who will be working in the proposed RIA. This section should also include descriptions of previous projects relevant to the RIA's activities envisioned in this notice that the organization or its individuals completed. The narrative should place the projects into a broader context of transportation infrastructure

investments being pursued by the proposed RIA and its sponsors, and how it will benefit communities within the region.

II. Description of Proposed Geographic/Jurisdictional Region: This portion of the narrative should precisely identify the geographic region, the jurisdictions, and the agencies the RIA would serve and identify which of the four categories of RIA identified in Section A.2 that this proposal falls under, and explain why. The narrative should explain the commonalities and shared interests of parties in the proposed region as the rationale for establishing a region of this construct, along with the affiliations within the proposed region. Consistent with the Department's ROUTES Initiative (<https://www.transportation.gov/rural>), the Department encourages applicants to describe how activities proposed in their application would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities.

III. Accelerator Proposal: This section of the narrative should explain how the applicant(s) propose to establish the RIA and the concept of how it would operate, and provide the project-specific services identified in Section A of this notice, along with a proposed timeline for establishing the RIA, with key milestones and suggested performance targets during its operational phase.

The applicant should describe, in sufficient detail, the applicant's approach to identifying and building the pipeline of projects to be undertaken and how they will develop such projects utilizing their experience and expertise, and identify an initial pipeline of projects that are eligible for TIFIA credit assistance and, to the extent applicable, RRIF credit assistance, PABs and other innovative financing methods. The narrative should also contain a list of projects that the applicant(s) propose to assist under the RIA. This list, to the extent possible, should include, at a minimum:

- (a) Project name and location;
- (b) Project sponsor;
- (c) Description;
- (d) Bureau program most likely to apply (TIFIA, RRIF, PABs);
- (e) Support activities the applicant envisions the RIA would provide
- (f) Project costs; and
- (g) Project timeline.

The prospective applicant should describe in their proposal to the extent possible and, where applicable, if the project will (1) decrease transportation costs and improve access, especially for rural communities or communities in

Opportunity Zones, through reliable and timely access to employment centers and job opportunities; (2) improve long-term efficiency, reliability or costs in the movement of workers or goods; (3) increase the economic productivity of land, capital, or labor, including assets in Opportunity Zones; (4) result in long-term job creation and other economic opportunities; or (5) help the United States compete in a global economy by facilitating efficient and reliable freight movement. Projects that bridge gaps in service in rural areas, and projects that attract private economic development, all support local or regional economic competitiveness. The Department intends to collect Opportunity Zones information to advance other Department activities related to Opportunity Zones, but the Department does not consider projects located in an Opportunity Zone to be more competitive for an RIA award than projects located outside an Opportunity Zone.

IV. Budget, Sources, and Uses for Full Accelerator Funds: The applicant should include a proposed financial plan and budget including the Federal grant amount requested, non-federal matching funds, in-kind contributions and other sources. The proposed plan should also include a list of activities and projects as well as all associated costs of the proposed RIA. For non-Federal matching funds, the application should identify the sources as well as supporting documentation indicating the degree to which those funds are committed and dates of their availability. If the applicant proposes that the RIA will reach a point of long-term self-sustainability, the narrative should include a description of how this would happen, and where the long-term funds would be generated.

V. Selection Criteria: This section of the application should demonstrate how the application aligns with the criteria described in Section E.1 of this notice. The Bureau intends to select and designate RIA that demonstrate in their proposal the ability to effectively assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of one or more projects eligible for funding under the TIFIA program. DOT will consider the extent to which an RIA is likely to effectively promote investment in eligible projects, develop a pipeline of regional transportation projects, and result in the implementation of projects with innovative financing methods.

The Bureau encourages applicants to either address each criterion or expressly state that the project does not

address the criterion. Applicants are not required to follow a specific format, but the outline suggested addresses each criterion separately and promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Bureau encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. The guidance in this section is about how the applicant should organize their application. Guidance describing how the Bureau will evaluate projects against the Selection Criteria is in Section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make an RIA grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make a grant, the Department may determine that the applicant is not qualified to receive a grant and use that determination as a basis for making a grant to another applicant.

4. Submission Dates and Timelines

a. Deadline: Applications in response to this NOFO must be submitted through *Grants.gov* by 11:59 p.m. EST 90 days after publication of this notice. The *Grants.gov* "Apply" function will open on the date of publication. The Bureau may hold NOFO information session(s) before the due date.

To submit an application through *Grants.gov*, applicants must:

- (1) Obtain a Data Universal Numbering System (DUNS) number;
- (2) Register with the System Award for Management (SAM) at www.sam.gov; and

- (3) Create a *Grants.gov* username and password; and

- (4) The E-business Point of Contact (POC) at the applicant's organization must also respond to the registration email from *Grants.gov* and login at *Grants.gov* to authorize the POC as an Authorized Organization Representative

(AOR). Please note that there can only be one AOR per organization.

Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that the Department will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If interested parties experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at 1(800) 518–4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EST.

b. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

c. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined in Section D.4.d.

d. Late Application Policy

Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact RIA@dot.gov prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding *Grants.gov* "Grant tracking number";
- (3) The "Legal Business Name" for the applicant that was provided in the SF–424;
- (4) The AOR name submitted in the SF–424;
- (5) The DUNS number associated with the application; and
- (6) The *Grants.gov* Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the

instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contacts the *Grants.gov* Help Desk to validate reported technical issues, USDOT staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov*. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

5. Applications under this NOFO are not subject to the State review under E.O. 12372.

6. Funding Restrictions: The DOT will not reimburse any pre-award costs or application preparation costs under this proposed agreement. Construction of any project being contemplated or aided by the proposed RIA is not an allowable activity under this grant. All non-domestic travel must be approved in writing by the DOT designated agreement officer prior to incurring costs. Travel requirements under the cooperative agreement will be met using the most economical form of transportation available. If economy class transportation is not available, the request for payment vouchers must be submitted with justification for use of higher class travel indicating dates, times, and flight numbers.

E. Application Review Information

1. Criteria: This section specifies the criteria that the Bureau will use to evaluate and award applications for Program grants. The criteria incorporate statutory eligibility requirements. For each proposed RIA, the Bureau will review the application for the criteria described in this section. The Bureau does not consider any criterion more important than the others.

A. Experience/Qualifications: The Bureau will assess whether and to what extent the applicant(s):

- (1) Possess the ability to evaluate and promote innovative financing methods for local projects including the use of TIFIA and RRIF and other Federal assistance programs where applicable;
- (2) Possess the ability to provide technical assistance on best practices with respect to financing projects;
- (3) Have experience in increasing transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;
- (4) Have experience in deploying predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(5) Have a history of successfully bundling smaller-scale and rural projects into larger proposals that may be more attractive for private investment;

(6) Have demonstrated success in reducing transaction costs for public project sponsors; and

(7) Demonstrate the capacity to accelerate projects eligible for the TIFIA credit program and, to the extent applicable, the Railroad Rehabilitation and Improvement Financing (RRIF) credit program and Private Activity Bonds (PABs).

B. Partnerships: The Bureau will consider the extent to which applicant(s) demonstrate strong collaboration among a broad range of stakeholders in the proposed geographic area of the RIA. Applications with strong partnerships typically involve multiple partners in project development, funding, and finance. The Bureau will consider applicants that partner with State, local, and private entities for the development, funding, financing, and delivery of transportation projects to have strong partnerships. Evaluators will also consider the relationship of the RIA with its constituencies and authorities granted by them. The Bureau will assess the ability of the proposed RIA to quickly and effectively develop projects by having the support of its members and working across jurisdictions.

C. Regional Viability: The Bureau will evaluate the proposed region, geographically, organizationally, and functionally, as well as its jurisdictional relevance. In evaluating this criterion, the Bureau will consider the geographic make-up of the proposed RIA and the transportation needs of the region.

D. Business Model: The Bureau will assess the thoroughness, viability, and efficiency that the applicant(s) can establish the RIA, commence operations, and deliver project-specific outcomes. In conducting this assessment, evaluators will consider:

(1) The effort, cost, and actions necessary to initially establish the proposed RIA, including workspaces, fixed and variable costs, staffing, and the development of relationships necessary to function effectively in the proposed region.

(2) How the proposed RIA will operate once established, including costs, organization, efficiency, availability of the technical expertise and resources needed to accelerate project delivery, work plan, and time required to achieve operational status.

E. Pipeline: The Bureau will consider the proposed pipeline of projects and assess whether and to what extent they

are likely to be eligible projects and appropriate for development activities as set forth in this notice. The proposed pipeline must include one or more projects likely to be eligible for TIFIA credit assistance. In evaluating this criterion, the Bureau will consider the number of eligible projects in the pipeline, the degree of local/regional support of the projects, and the project status and timeline as they relate to the likelihood the RIA can impact the project during the performance period of the cooperative agreement. Evaluators will also assess the degree to which the skills/experience of the applicant(s) are appropriate for the proposed projects. The Bureau will also evaluate the viability and proposed approach the applicant(s) have developed for attracting new projects into the RIA's pipeline of projects and how they propose to assist and monitor the development of those projects.

F. Readiness: The Bureau will consider the extent to which the proposed RIA is prepared to commence operations and begin achieving project-specific results. Evaluators will also assess the viability of the proposed budget as it relates to the establishment and successful operations of the RIA as proposed. In considering this criterion, evaluators will also determine the likelihood that proposed milestones will be subject to delay and/or cost overruns and the risk that key milestones might be missed due to internal or external factors. Evaluators will also consider the readiness of the proposed RIA to commence operations, including but not limited to:

- (1) Availability of facilities and equipment necessary to function;
- (2) Existing governance structure as compared to proposed future structure; and
- (3) Ability of existing relationships to rapidly deliver results.

G. Value: The Bureau will evaluate the relative value of the proposal to individual projects and the taxpayer, including but not limited to: the number of projects likely to measurably be accelerated as a result of the proposed technical assistance of the RIA, the number of projects reasonably expected to receive Bureau financing, and the asset class(es) most prevalent in the proposed project portfolio. In considering this criterion, evaluators will also consider the applicant's proposed performance targets (Section III of the application) and how they compare to the overall proposed cost of the RIA (Section IV of the application).

H. Rural Assistance: Where applicable, the Bureau will evaluate the degree to which the proposal can

support individual rural project sponsors. The Bureau will consider opportunities proposed to overcome common barriers to using TIFIA and RRIF credit assistance and other innovative financing methods for rural project sponsors, such as project size or type, financial or institutional capabilities, and other issues. Consistent with the Department's ROUTES Initiative (<https://www.transportation.gov/rural>), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities. This can include delivering innovative technical assistance and leveraging the DOT ROUTES Initiative to provide user-friendly information and other assistance to rural project sponsors.

I. Self-Sustainability: The Bureau will consider whether and to what extent the proposed RIA will achieve self-sustainability during the Program's effective period of receipt of Federal funding. In the event that a proposed RIA will not achieve self-sustainability, the Bureau will evaluate the extent to which the termination of the RIA might deliver long-term benefits as the result of projects delivered during the funding period.

J. Risk: The Bureau will assess the risks to successful implementation and operation of the proposed RIA, and the degree to which proposed mitigation activities might address/offset those risks. Evaluators will also assess the practicality of proposed mitigation activities in terms of cost, complexity, and time required to implement the actions.

2. Review and Selection Process: A Review Team will review all eligible applications received by the deadline. This Review Team will consist of Modal Liaisons from the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA) and Federal Transit Administration (FTA) and two Bureau employees appointed by the Executive Director. The Program grants review and selection process consists of two steps: (1) The Review Team will evaluate each proposal and make a determination of eligibility based on criteria outlined in Section C.1 of this notice and, if deemed eligible; (2) the Review Team will evaluate the proposal based on the Selection Criteria in Section E.1 of this notice. The Review Team will make recommendations to

the Executive Director. The Executive Director will finalize those recommendations and present the recommendations to the Secretary. The final decisions as to recipients will be made by the Secretary of Transportation.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.205. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notice

Following the evaluation process outlined in Section E.2, the Secretary will announce awarded projects by posting a list of selected RIA at <https://www.transportation.gov/buildamerica/financing/tifia/regional-infrastructure-accelerators-program>. Notice of selection is not authorization to begin performance or to incur costs for the proposed RIA. Following that announcement, the Bureau will contact the point of contact listed in the SF 424 to initiate negotiation of the cooperative agreement.

2. Administration and National Policy Requirements

Performance under the cooperative agreement will be governed by and in compliance with the following requirements as applicable to the type of organization of the recipient and any applicable sub-recipients:

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR part 1201.

Other terms and condition as well as performance requirements will be addressed in the cooperative agreement with the recipient. The full terms and conditions of the resulting cooperative

agreements may vary and are subject to discussions and negotiations.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States statutory, regulatory, and public policy requirements, including without limitation, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Bureau determines that a recipient has failed to comply with applicable Federal requirements, the Bureau may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, Executive Order 13858 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials, as applicable, in establishing and operating the RIA.

3. Reporting

A. Progress Reporting on Grant Activities

Each applicant selected for RIA grant funding must submit semi-annual progress reports as agreed to in the cooperative agreement to monitor RIA progress and ensure accountability and financial transparency in the RIA grant program.

B. Performance Reporting

Each applicant selected for RIA grant funding must collect and report to the Bureau information on the RIA's performance. The specific performance information and reporting period will be determined on an individual basis. It is

anticipated that the Bureau and the grant recipient will hold monthly progress meetings or calls during which the Bureau will review project activities, schedule, and progress toward mutually agreed upon performance targets in the cooperative agreement. If the award is greater than \$500,000 over the period of performance, applicants must adhere to the post award reporting requirements reflected in 2 CFR part 200 Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters.

C. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the Bureau via email at RIA@dot.gov, or call Sam Beydoun at 202-366-0198. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, the Bureau will post answers to questions and requests for clarifications on the Bureau's website at <https://www.transportation.gov/buildamerica/financing/tifia/regional-infrastructure-accelerators-program>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Bureau directly, rather than through intermediaries or third parties, with questions. Bureau staff may also conduct briefings on the Program grant selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it "Contains Confidential Business Information (CBI)"; (2) mark each page that contains confidential information with "CBI"; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, indicate whether the CBI is information the applicant keeps private and is of the type of information the applicant regularly keeps private. The Bureau/DOT will protect confidential information complying with these requirements to the extent required under applicable law. If the Bureau receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, the Bureau will follow the procedures described in its FOIA regulations at 49 CFR 7.29.

2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, the Bureau intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1, the Bureau may make application narratives publicly available or share application information within DOT or with other Federal agencies if DOT determines that sharing is relevant to the respective program's objectives.

3. Department Feedback on Application

The Bureau strives to provide as much information as possible to assist applicants with the application process. The Bureau will not review applications in advance, but Bureau staff are available for technical questions and assistance.

Issued in Washington, DC, on December 17, 2020.

Elaine L. Chao,

Secretary of Transportation.

[FR Doc. 2020-28284 Filed 12-30-20; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. DOT-OST-2011-0170]

Notice of Submission of Proposed Information Collection to OMB; Agency Request for Revision of BTS Form 251 and Renewal of OMB Control Number 2138-0018: Part 250 of the Department's Economic Regulations—Oversales

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), this Notice confirms the Department of Transportation's (Department) intention to renew and revise an Office of Management and Budget (OMB) control number as related to the Department's Bureau of Transportation Statistics (BTS) Form 251, *Report of Passengers Denied Confirmed Space*. A 60-day comment period soliciting comments on the information collection was published on March 3, 2020. Three comments were received. The Department addresses those comments in this Notice and is seeking to renew the current OMB control number by forwarding the Information Collection Request (ICR) abstracted below to OMB. The ICR renames Form 251 to Form 250 and revises the form to reduce the burden on airlines, better clarify the instructions for completing the form, and provide more relevant information to consumers.

DATES: Comments on this Notice must be received by February 1, 2021.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments may also be sent via email to OMB at the following address: oir-submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Stuart Hindman, (202) 366-9342, Stuart.Hindman@dot.gov, Office of Aviation Consumer Protection (C-70), U.S. Department of Transportation, 1200

New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2138-0018.

Title: Report of Passengers Denied Confirmed Space Due to an Oversale Situation.

Type of Request: Request to Revise and Rename Form 251 and Renew OMB Control Number.

Abstract/Background: BTS Form 251 is a one-page report that U.S. reporting carriers submit to the Department on a quarterly basis. Among other things, the form contains the following information: (1) The number of passengers denied seats on flights that they hold confirmed spaces, either voluntarily or involuntarily, (2) the numbers of passengers involuntarily denied boarding (bumped passengers) who qualified for compensation and were or were not provided alternate transportation, (3) the number of passengers voluntarily or involuntarily denied boarding who received compensation and the amounts of the compensation paid to them, and (4) the total number of enplanements at a U.S. airport relating to flights that are subject to the oversales rule. For the purpose of Form 251, reporting carriers are U.S. air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues. These reporting carriers must submit Form 251 for all flights operated on aircraft with a designed passenger capacity of 30 or more seats which depart a U.S. airport. Carriers do not report data from inbound international flights to the United States because the protections of 14 CFR part 250 *Oversales* do not apply to these flights. In addition, reporting carriers must file a separate form for all scheduled flight segments originating in the United States that are operated by a codeshare partner of the reporting carrier that is a certificated air carrier or commuter air carrier using aircraft that have a designed passenger capacity of 30 or more seats, and marketed only under one U.S. carrier's code. As of January 1, 2020, there are 5 such reporting carriers.

The Department uses Form 251 to monitor the level of oversales activity by each reporting carrier, the impact on passengers, and the effectiveness of the Department's oversales rule. Certain information collected from Form 251 is made available to the public in the Department's monthly publication, the *Air Travel Consumer Report (ATCR)*, at: <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>. The *ATCR* is a widely cited source of

information for newspapers, magazines and trade journals. A review of the Form 251 data reveals that the overall involuntarily denied-boarding rate has consistently decreased in recent years, while passenger enplanements are increasing. For example, compared to the annual involuntary denied boarding rate of 4.38 per 10,000 passengers in 1980, this rate has been reduced to 0.24 per 10,000 passengers in 2019. Publishing individual carrier's denied boarding rates publicly serves to diminish the need for more intrusive regulations by disincentivizing carriers from setting unreasonable overbooking rates—resulting in a market based mechanism that is more efficient than direct regulation. In addition, a carrier's denied boarding rate provides an insight into that carrier's operational principles and customer service practices. For instance, a rapid sustained increase in the rate of denied boarding may indicate operational difficulties. Because the rate of denied boarding is released quarterly, travelers and travel agents concerned about being bumped can select carriers with lower incidences of denied boardings.

In 2016, the Department issued a final rule that, in part, revised the oversales reporting requirements. In conjunction with that rulemaking, on May 23, 2014 the Department published a 60-day FR Notice (79 FR 29970), and, on November 3, 2016, a 30-day FR Notice (81 FR 76800) to renew and revise the OMB control number regarding oversales information collection (2138-0018). On October 12, 2017, OMB approved the control number authorizing these new collections of information until October 31, 2020. The Department received an emergency extension of the current OMB control number until December 31, 2020.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 3, 2020, the Department published a 60-day Notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval (85 FR 12664). A line-by-line summary of the proposed changes to the form with an explanation for each change was published in the 60-day Notice. The Department received three comments, one from an industry trade organization, one from a U.S. airline, and one from a member of the public. The Department's