

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, D.C.

Pipeline Safety: Information Collection Activities:
Natural Gas Distribution Infrastructure Safety
and Modernization Grant Program

Docket No. PHMSA-2022-0009

COMMENTS

FILED BY
AMERICAN PUBLIC GAS ASSOCIATION

August 15, 2022

I. Introduction

The American Public Gas Association (APGA) submit these comments for consideration by the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the notice and request for comment on the Natural Gas Infrastructure Safety and Modernization Grant Program.¹

APGA is the trade association representing more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. These include not-for-profit gas distribution systems owned by municipalities and other local government entities, all accountable to the citizens they serve.

APGA commends Congress, the Department of Transportation, and PHMSA on the creation and implementation of this important grant program. Pipeline safety is the top priority for APGA members and all community and publicly owned natural gas distribution systems. Publicly owned natural gas systems face unique challenges in obtaining funds to support the repair and replacement of distribution system infrastructure. Through this grant program public gas systems will address numerous Accelerated Actions identified through their Distribution Integrity Management Programs (DIMP) and will purchase modernized leak detection equipment for their leak detection and repair programs.

II. Detailed Comments

(a) The need for this information collection for the proper performance of the functions of the Agency, including whether the information will have practical utility;

APGA supports this information collection request in that it facilitates the distribution of allocated grant dollars to eligible public and community owned gas systems.

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

PHMSA estimates a total of 18,400 annual burden hours for the submission of responses to annual Notices of Funding Opportunity. This is built upon the assumption that each response will take approximately 82 hours to compile and submit and that each subsequent request for documentation will take 2.5 hours to complete.

Due to the quantity of highly technical and granular data required in this application, it has been the experience of APGA members that the application takes more than 82 hours to complete. This is especially true during the first iteration of the application. The application expands beyond routine pipeline safety, design, construction, and integrity management questions to include areas of less familiarity with the average applicant. Many have had to rely upon subject matter experts in the areas of grant writing, environmental mitigation strategies, and cyber security guidelines. For example, one member relied upon staff from five different departments at their system: Pipeline Safety and Compliance, Finance, GIS, Communications, and Operations.

¹ Pipeline Safety: Information Collection Activities: Natural Gas Distribution Infrastructure Safety and Modernization Grant Program, 87 Fed. Reg. 36,374 (June 16, 2022).

Factoring in the time spent by the various departments at member systems and the external support many received from industry consultants, APGA estimates that the average initial application required nearly 200 hours to complete.

(c) **Ways to enhance the quality, utility, and clarity of the information to be collected;**

In Appendix A of these comments APGA offers specific feedback on various elements of the Project Narrative requirements. Appendix B offers APGA's suggestions on the redundancy between Section 8 of the Project Narrative and the balance of the application.

(d) **Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques; and**

While outside of the area of control for PHMSA, there were two primary areas of frustration from APGA members:

- During the first year of this grant program, many applicants had to undergo the process of obtaining a Unique Entity Identifier (UEI) through
- Other members had challenges changing settings within Grants.gov to allow the individual responsible for applying to the NGDISM grant to complete the application.

Respectfully Submitted,

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Appendix A

APGA's Recommended Changes to Project Narrative Instructions

APGA's recommended changes are in **red**. APGA's explanation for these recommended changes can be found below each section.

Project Narrative

The following Project Narrative sections are required to facilitate the application review and award process. Please submit the sections in the order prescribed below. Applicants should clearly identify the sections in the Project Narrative section of the application.

1. Cover Letter
 - a. Organization Name
 - b. Contact Information
2. Applicant Eligibility
3. Project Summary
 - a. Project Location
 - b. Project Eligibility
 - c. Project Funding
4. Detailed Project Description
5. Statement of Authority and Pipeline Infrastructure Safety and Modernization Capabilities
6. Projected Outputs and Objectives
7. Project Implementation and Management
- 8. ~~Explanation of Evaluation and Selection Criteria Equivalence~~**
APGA Comment: APGA suggests that Section 8 of the project narrative either be removed or modified as suggested below. It is largely duplicative of other sections, adds an unnecessary burden on applicants, and further constrains applicants' ability to provide well-rounded answers given the maximum page requirements for the project narrative.
9. Equity, as Defined in the Executive Order 13985
10. Buy America
11. Critical Infrastructure Security and Resilience
12. Environmental Analysis

The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). PHMSA will not review or consider Project Narrative pages beyond the 25-page limitation. If possible, applications should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the page number(s) of the relevant portion in the Project Narrative supporting documentation. The Project Narrative must adhere to the following outline.

- 1. Cover Letter.**
 - a. **Organization Name.** This should include: (1) name and title of this NOFO; (2) your **organization's natural gas system's** name **and mission**; (3) a brief overview of the **governance** structure of your **system organization, programs, natural gas system** leadership, **and special expertise**; and (4) your **organization's system's** experience and capacity to manage Federal grant programs **or ability to obtain that experience and capacity**. If your application proposes to partner with another nonprofit organization **for the execution of the project**, a letter of support **from the partner organization** is required with your application.

APGA Comment: This section of the cover letter requests information that is confusing given the goal of the NGDISM Grant Program. APGA appreciates PHMSA desire to verify the capabilities and expertise of the grant applicant but suggests the modifications above for clarity purposes.

- b. **Contact Information.** Identify the designated project director, including the name, position, address, email address, and telephone number of the individual(s) who will be responsible for coordinating the funded activities. Additionally, identify the Authorized Representative(s) who will accept the awarded grant document, as well as individuals responsible for the submission of required Federal financial reports and progress reports.
2. **Applicant Eligibility.** Explain how applicant meets the eligibility criteria outlined in Section C.1. of this NOFO.
3. **Project Summary.** Describe the identified need to repair, rehabilitate, or replace the natural gas distribution pipeline system or portions thereof, or the equipment needed to (a) reduce incidents and fatalities and (b) avoid economic losses. Briefly explain how the proposed activities will help to address the identified needs.
 - a. **Project Location:** For location specific projects and if available at the time of application submission, include geospatial data for the project, as well as a map and aerial photographs of the project's location. If the project includes the repair, rehabilitation or replacement of assets throughout your system, please generally describe the area where the proposed project will occur.

DOT has made the following tool available for applicants to identify disadvantaged communities in their area:
<https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a36> 74a. All projects will be considered except those without location-specific infrastructure information.

APGA Comment: Not all projects are geospatially specific. This element should be broadened to include replacement of assets throughout a service area or the purchase of equipment. Also, many applicants are in the early stages of project design when applying for a grant. Exact geospatial data may not be available at the time of applying.
 - b. **Project Schedule:** If available at the time of application submission, include a detailed project schedule that identifies all major project milestones. Examples of such milestones include state and local planning approvals; start and completion of Tier 2 Environmental Questionnaire, which will detail compliance with Federal environmental and historic preservation requirements. The project schedule will also includes any required approvals such as: permitting; design completion; right-of-way acquisition; approval of plans, specifications, and estimates; procurement; state and local approvals; public involvement; project partnership and implementation agreements; and construction agreements, if already executed. The project schedule should be sufficiently detailed to demonstrate that: 1) all necessary activities will be completed to allow NGDISM Grant Program funds to be expended within 36 months the period of performance after award; 2) all necessary real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR Part 24, 23 CFR Part 710, and other applicable legal requirements or a statement that no right-of-way acquisition is necessary; and 3) the applicant has sought community input through public involvement, particularly engaging with environmental

justice communities or disadvantaged rural and urban communities that may be affected by the project where applicable.

APGA Comment: As described in part 3(a) above, many applicants are in the early stages of project design when applying for a grant. Exact project schedules and milestones may not be available at the time of applying. The description of this section also suggests that all projects will require various approvals when, in reality, most will not. APGA suggests a softening of the language in this section for clarity. APGA also suggests generally referring to the period-of-performance so as to ensure consistency during future application years should the period-of-performance change.

- c. **Project Eligibility:** Identify how this project is eligible for funding under this NOFO. Eligible grant project expenses include the following:
 - Construction costs related to repairing, rehabilitating, or replacing natural gas pipeline distribution systems.
 - Labor costs related to planning, repairing, rehabilitating, or replacing natural gas pipeline distribution systems.
 - Equipment costs related to repairing, rehabilitating, or replacing natural gas pipeline distribution systems
 - Equipment costs related to reducing incidents and fatalities and avoiding economic losses on natural gas distribution systems.
- d. **Project Funding:** Indicate in table format the amount of Federal funding requested and total project cost. Identify whether partial funding would be accepted in order to complete the project and the level of minimum funding needed. Identify whether the replacement, rehabilitation, or repair project was in process prior to the announcement of this award—and whether and by how much the grant would expedite the project or expand the scope or impacts of the project. (This will not prevent possible grant award). Identify if all or a majority of the project is located in a disadvantaged rural or urban area. (See Definition of “Disadvantaged Community”)

4. **Detailed Project Description.** Include a detailed project description that expands upon the brief project summary. The detailed description should provide, at a minimum, the following elements:

- a. A SOW against which PHMSA, and the applicant, can identify and measure expected outcomes of the proposed work and monitor progress toward completing project tasks and deliverables during the period of performance.
 - The SOW should address the scope, schedule, location, and budget for the proposed project.
 - The SOW must contain sufficient detail such as project planning, preparation, or design—including site design; maps; site photos, if available; an aerial photograph of the site depicting the proposed location; engineering drawings, if available at the time of application submission; environmental and community impacts; and other pre-construction activities—of eligible pipeline infrastructure projects.

APGA Comment: As described in 3(a) and (b) above, some of the requested information may not be fully available to applicants who are choosing to include design costs in their proposed project. APGA suggest softening some of this language to account for the variability in project status at the time of application.

- The SOW must include a description of materials being replaced, repaired, or rehabilitated.
- b. Safety risk profile and condition of the current infrastructure for which funding is being requested. This should include relevant data, leak statistics, and risk analysis that are present in the operators Distribution Integrity Management Plan (DIMP).
- c. To assist PHMSA's environmental review prior to award, potential awardees will provide a completed Tier 2 Environmental Questionnaire, as detailed in #12, Environmental Analysis, below.

APGA Comment: During the first year of this program, this element was essentially impossible to include in the project application. APGA anticipates that applicants in future years will be able to include some details in this section of the project narrative.

- d. A description of whether the project addresses requirements under Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and their implementing regulations, including 28 CFR. Applicants should review these civil rights statutes carefully, including 28 CFR 401, et al. Applicants are encouraged to review these authorities to ensure full compliance with these obligations and to describe credible planning activities and actions. These requirements apply to grant recipients as well as subrecipients.

5. Statement of Authority and Pipeline Infrastructure Safety and Modernization Capabilities.

Describe the municipality- or community-owned utility's state authority and capability to perform pipeline infrastructure repairs, rehabilitation, or replacement, in accordance with 49 CFR Part 192, and to purchase equipment.

6. Projected Outputs and Objectives. Provide quantifiable and measurable outputs planned for the grant's period of performance. Outputs are quantitative data that describe the proposed activities. For repair, rehabilitation, or replacement of natural gas distribution pipeline systems, or portions thereof, or acquisition of equipment, outputs should include: (1) the quantity (e.g., feet, yards, or mileage and diameter) of pipeline affected; (2) cost of equipment that may be purchased for the project, if appropriate; (3) an estimate of the number of jobs the project may create; (4) an estimate of the project's potential for benefiting disadvantaged rural and urban communities; (5) an estimate of the economic impact or growth over the length of the project; and (6) an estimate of the reduction in methane emissions attributable to the project. Please provide supporting analysis showing how the estimated outputs were calculated. Additionally, broader outcomes or goals may be provided to describe the intended impact of the proposed outputs. This can be either quantitative or qualitative and should reflect the projected impact of the grant activity outputs.

PHMSA will consider the extent to which the project addresses the following project output criteria, which are explained in greater detail below and reflect the key program objectives.

Output Criteria #1: Safety – The applicant should include information on, and to the extent possible quantify, how the project will improve the safe delivery of energy to often underserved communities, reducing incidents and fatalities as well as methane leaks within the project area.

Output Criteria #2: Environment – The applicant should describe how its project(s) contributes towards protecting our environment and climate by remediating leak-prone pipelines and by purchasing equipment to aid in detecting or potentially mitigating methane leaks.

APGA Comment: Applicants may find it helpful for PHMSA to provide examples of how PHMSA expects applicants to describe methane mitigation for their projects, whether in these instructions or in a FAQ.

Output Criteria #3: Job Creation – The applicant should describe how the project will contribute to at least one of these outputs: 1) result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as paying prevailing wages and benefits, the use of project labor agreements, the use of community benefits agreements registered apprenticeship programs, pre-apprenticeships tied to registered apprenticeships, and other joint labor-management training programs⁴; 2) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions, the use of community benefits agreements, or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; 3) outline partnerships with training providers such as labor-management partnership training programs (including registered apprenticeships) and community colleges; 4) foster economic growth and development, creating long-term, high-quality jobs, addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 140085.

Output Criteria #4: Equity – The applicant should include information about whether the project(s) benefits a disadvantaged community or population, or areas of persistent poverty. (See Definitions.)

7. **Project Implementation and Management.** Provide a description of the monitoring, and quality assurance plan to ensure successful project completion. Describe how you will ensure the applicable Federal pipeline safety regulations will be followed. These may include, but are not limited to, ensuring your Distribution Integrity Management Program (DIMP) is up to date, safety and performance checks, inspections, and audits of the project.
8. ~~Explanation of Evaluation and Selection Criteria Equivalence. Include a thorough discussion of how the proposed project meets all the evaluation criteria and selection criteria as outlined in Section E of this NOFO. If an application does not sufficiently address the evaluation and selection criteria, it is unlikely to be a competitive application.~~
APGA Comment: This section seems unnecessarily duplicative and FAQ#120 suggests that PHMSA is not requesting applicants address the 23 elements in Section E.1 APGA does believe requiring so adds significant content to the Project Narrative that is discussed in one of the other eight sections. In Appendix B, APGA highlights some of the elements with Section E.1 Criteria that are already addressed in other areas of the Project Narrative or are simple “Yes” or “No” responses that seem unnecessary for the applicant to validate. If the other elements are still requested by PHMSA, they should be included in one of the other eleven sections. If PHMSA chooses to keep this section, PHMSA should clarify if applicants are expected to go through each of the 23 elements in Section E.1 and reiterate their responses or if other content is being requested here.

9. **Statement Certifying Compliance with Equity Requirement.** In accordance with Executive Order (EO) 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, funds must be distributed equitably under this grant. Equity means the consistent and systematically fair, just, and impartial treatment of all individuals, including individuals who belong

to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous persons, Asian Americans and Pacific Islanders; other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. Applicants must include a statement certifying they will comply with EO 13985.

10. Buy America. Provide a description of whether materials and manufactured products to be used in the project are produced or manufactured domestically. PHMSA expects all applicants to comply with this requirement **without needing a waiver**. However, this section should also include an assessment of what, if any, materials, or manufactured products would require an exception or waiver of the Buy America provisions described in Section F.2 of this NOFO and the applicant's current efforts and planned future efforts to maximize domestic content.

APGA Comment: There are many commonly used materials throughout natural gas distribution systems that are known to be non-compliant with Buy American requirements, such as large steel fittings and piping. APGA encourages PHMSA to explore creating a specific waiver for those materials for all NGDISM grant recipients.

11. Critical Infrastructure Security and Resilience. Each applicant selected for NGDISM grant funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to their natural gas distribution system and the type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department of Transportation and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with **the Transportation Security Agency (TSA) Pipeline Security Guidelines**. **–Presidential Policy Directive 21 – Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems**.

APGA Comment: APGA suggests referencing the TSA Pipeline Security Guidelines in lieu of the Presidential Policy Directive. These guidelines are more specific to the pipeline industry and are more practical for implementation.

12. **Environmental Analysis.** PHMSA will publish an "Environmental Assessment, Tier 1" in the Federal Register that will analyze the environmental impacts of this grant program on a nationwide basis and solicit public comment. PHMSA will consider the public comments on the "Environmental Assessment Tier 1" in developing the "Tier 2 Environmental Questionnaire," which will consider any additional site-specific environmental impacts.

APGA Comment: It is unclear if PHMSA is requesting applicants provide information concerning the nine sections of the Tier 2 Questionnaire in their initial application. The information appears to be provided for information and planning purposes only. Therefore, for clarity, APGA recommends that it is moved to a separate section of the instructions.

Once provisionally selected for funding, PHMSA will provide the Tier 2 Environmental Questionnaire to applicants for completion. The Tier 2 Environmental Questionnaire will analyze the environmental effects caused by the proposed project(s) specific to each site. It will also detail (1) actions to comply with state and Federal environmental, environmental justice, and historic preservation requirements and (2) additional mitigation actions to ensure that environmental impacts, such as

those from excavation or the use of heavy equipment, are minimal and insignificant. PHMSA has personnel available to answer questions and assist with the completion of this process, if needed.

To facilitate planning and so that applicants may begin collecting information, PHMSA is providing the following list of subjects that the Tier 2 Environmental Questionnaire will cover with respect to the project site and vicinity:

- a) Project Description and Location - Describe all project-related construction activities including: the number of route miles; how many miles are buried vs. aerial construction; number and types of pipelines with approximate dimensions; and whether all or part of the project is to be located on or within previously disturbed road rights-of-ways.
- b) Maps - Include a map (or maps) that show the location of all project construction activities known at the time of application. U.S. Geological Survey (USGS) 7.5- minute quadrangle maps at a map scale of 1:24,000 are recommended; larger scale maps may be provided for site-specific proposals. USGS maps may be obtained and purchased at USGS's website. All project elements, if known at the time of the application, must be clearly depicted on any map provided. If appropriate, photographs or aerial photographs of site-specific proposals may be provided.
- c) Property Changes – Describe and indicate the amount of property to be cleared, excavated, fenced, or otherwise disturbed for each site affected by construction.
- d) Wetlands - Determine and describe whether wetlands are present on or near the project site(s) affected by construction. Maps of wetlands may be obtained from the U.S. Fish and Wildlife Service's National Wetland Inventory website or from soil maps obtained from the U.S. Department of Agriculture Natural Resource Conservation Service's website (NRCS maps provide delineations of hydric soil areas that are indicative of potential wetland areas). Wetland information may be obtained from state agencies in those states that have such resources.
- e) Threatened and Endangered Species - Determine and describe whether any project site(s) or activities will directly or indirectly affect any threatened, endangered or candidate species; or if they are within or near critical habitats. To document the analysis, applicants must provide species lists and appropriate species accounts obtained from the U.S. Fish and Wildlife Service's website for each county affected by construction of the project.
- f) Floodplains - Determine and describe whether any facilities or sites are located within a 100-year floodplain. Information related to floodplains and National Flood Insurance Maps may be obtained from the Federal Emergency Management Agency's (FEMA) website. If any project-related construction activities are within floodplains, a copy of the FEMA, "FIR Mette" map with construction activities depicted on the map must be included. For information on obtaining FIR Mette maps, review the tutorial provided by FEMA. In addition, consideration may be paid to whether pipes located in floodplains are upgraded consistent with the Federal Flood Risk Management Standard in Executive Order 14030, Climate- Related Financial Risk (86 FR 27967) and 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425.)
- g) Historic Properties - Provide a list of historic properties that have been listed on the National Register of Historic Properties (NRHP) including National Historic Landmarks and any properties, if known, that have religious and cultural significance to Indian tribes located within a quarter mile radius of the project area. Information related to such resources can be obtained from the State Historic Preservation Office (SHPO) in your respective state. See

the website of the National Conference of SHPO, and describe how identified historic properties may be affected or impacted by the proposed construction activities (e.g., possible disturbance to archaeological sites, visual effects of tower construction). Identify Indian tribes that may have an interest in your project area. Information regarding historic properties located on tribal lands may be obtained from the Tribal Historic Preservation Officer (THPO) or the tribe's official representative for historic preservation website. For further information see the following resources: the U.S. Department of Housing and Urban Development HUD Tribal Directory Assessment Tool, 2021 Tribal Directory, and the National Park Service (NPS) Native American Consultation Database.

- h) Coastal Areas - Determine whether the project is within the boundaries of a coastal zone management area (CZMA). For boundary and contact information related to CZMA, see the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management's website.
- i) Brownfields - If a proposed project is located within a brownfield site, then you should contact the appropriate Federal/state regulatory authority responsible for environmental contamination from releases of hazardous substances to determine whether there are any land use restrictions or regulations regarding development of the site. If there are restrictions, then you must provide that information in the application along with an analysis of how any such restriction could affect the proposed project whether short or long-term.

Appendix B

APGA's Recommended Changes to Section E.1: Application Review Information – Criteria

The criteria highlighted in red are discussed in other sections of the Project Narrative. Requiring operators to affirm them in Section E of the Project Narrative would be redundant and unnecessarily burdensome.

APGA disagrees with the inclusion of the items in blue and recommends that they be removed from the program selection criteria.

E.1 Criteria

PHMSA developed criteria to evaluate submitted applications. Submission of an application is not a guarantee of award. PHMSA may, at its discretion, award grant funds based on an application in its entirety, award grant funds for only portions of an application, or not award any grant funds at all.

1. Technical Review Criteria

Applications will be evaluated against the following technical criteria.

- Does the applicant's project scope establish clear goals and objectives that include the (1) detailed location; (2) materials being replaced, rehabilitated, or repaired; (3) project cost; and (4) project timeline?
APGA Comment: Section 3 of the Project Narrative provides extensive detail about the location, materials, funding, and schedule.
- Does the applicant provide the number and a description of each activity proposed?
APGA Comment: What does PHMSA mean by activity? Section 4 of the Project Narrative requires a detailed description of the project including a scope of work.
- Does the applicant identify measurable results and deliverables, that align with project goals and objectives?
APGA Comment: Section 6 of the Project Narrative provides significant detail about project objectives and outputs.
- Does the proposed project outline the risk profile of the distribution pipeline infrastructure that is prone to leakage? This includes review of the relevant project data, leak statistics, and risk analysis that are present in the operator's DIMP.
APGA Comment: Section 4(b) requires applicants to describe the safety risk profile of their current infrastructure and provide the risk analysis in the applicant's DIMP.
- If applicable, does the Procurement of Property and Services Worksheet list needed safety equipment purchases and clearly define the use of such equipment?
- Consistent with 2 CFR 200, are the applicant's program activities allowable, allocable, necessary, and reasonable?

- Did the applicant describe how the proposed project(s) will create good-paying jobs with the free and fair choice to join a union and incorporate high labor standards? Did the applicant list what efforts they will take to meet these goals?

APGA Comment: In Criteria #3 of Section 6 of the Project Narrative, applicants describe how the project will contribute to job creation.

- Does the project have a project labor agreement?

If not, how does the project propose to ensure ready access to a sufficient supply of appropriately skilled labor to ensure high-quality construction throughout the life of the Project, such as a description of the operator qualification program⁶, any required professional certifications and/or in-house training, registered apprenticeships or labor-management partnership training programs, and partnerships like unions, community colleges, or community-based groups?

- What specific job titles will the project(s) fund?

APGA Comment: A list of job titles seems unnecessary given the scope of this grant program. Job titles vary greatly throughout the industry and do not provide meaningful inputs into the project selection. The applicant's description of job creation in Section 6, Criteria #3 of the Project Narrative should provide ample insight into how the project meets the goal of the NGDISM to "create good-paying jobs."

- Does the applicant's proposed project(s) provide substantial benefits to disadvantaged rural or urban communities?

APGA Comment: Section 6, Criteria #4 in the Project Narrative requires applicants to include information "about whether the project(s) benefit a disadvantaged community or population, or areas of persistent poverty." Requiring applicants to affirm this is redundant and unnecessary.

- Does the applicant's proposed project(s) provide substantial economic impact or growth?

- Does the applicant outline a monitoring and evaluation strategy to help ensure that the project(s) will be successful?

APGA Comment: Section 7 of the Project Narrative requires applications to describe how their "monitoring, and quality assurance plan" for their project. Requiring applicants to affirm this is redundant and unnecessary.

- Does the applicant comply with Title VI, non-discrimination assurances?

APGA Comment: Section 4(d) of the Project Narrative requires applicants to describe whether their project addresses requirements under Title VI of the Civil Rights Act. Requiring applicants to affirm this is redundant and unnecessary.

- Can the applicant successfully comply with required environmental assessment activities?

APGA Comment: Requiring applicants to affirm this prior to completing the Tier 2 questionnaire is preemptive. Applicants shouldn't be expected broadly confirm their compliance to unknown activities.

2. Programmatic Review Criteria

PHMSA will conduct a programmatic review to assess factors identified below.

- Does the applicant provide a timeline that clearly communicates when project activities will take place?
APGA Comment: Section 3(b) of the Project Narrative requires applicants to provide a project schedule. Requiring applicants to reiterate this timeline or schedule is redundant and unnecessary.
- Does the applicant list clear outputs, goals, and objectives that indicate the grant will have a projected impact on reducing risk and enhancing pipeline safety, environmental protection, and emissions reductions?
APGA Comment: Section 6 of the Project Narrative requires operators to discuss each of the four primary project output criteria: safety, environment, job creation and equity.
- Does the applicant direct funds or activities to serve underserved communities, consistent with Executive Order 139857?
- Did applicant provide a completed SF-424 form and SF-424A budget form?
APGA Comment: Is PHMSA simply looking for a “Yes” or “No”?
- Did the applicant submit a completed Title VI form?
APGA Comment: Is PHMSA simply looking for a “Yes” or “No”?
- Does the budget (SF-424A) and Budget Narrative align?
- If there are funds under labor costs, does the Budget Narrative clearly describe how labor costs were derived?
- If there are costs under “Other” in the Budget Narrative, have the costs been reasonably explained?
- If indirect cost rates are requested, does the application include an approved, current indirect cost rate agreement or statement claiming the 10 percent de minimis rate?