

SUPPORTING STATEMENT
Inspection, Repair, and Maintenance
OMB Control No. 2126-0003

This supporting statement revises the current information collection entitled, "Inspection, Repair, and Maintenance," assigned OMB Control Number 2126-0003, which is currently set to expire on February 28, 2006. This revision is based upon new program requirements proposed in a Notice of Proposed Rulemaking (NPRM) entitled, "Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment" (Attachment A). This revision would increase the existing burden hour estimate by 121,250 hours, from 59,093,244 hours to 59,214,494 hours.

1. Circumstances that make collection of information necessary:

Section 204(a) of the Motor Carrier Act, 1935 (codified at 49 U.S.C. 31502) (Attachment B) authorizes the Secretary of Transportation (the Secretary) to prescribe requirements for the safety of equipment of motor carriers. Section 206 of the Motor Carrier Safety Act of 1984 (codified at 49 U.S.C. 31136) (Attachment C) requires the Secretary to prescribe regulations that ensure that commercial motor vehicles (CMVs) are maintained. Section 210 of the Motor Carrier Safety Act of 1984 (codified at 49 U.S.C. 31142) (Attachment D) requires the Secretary to establish standards for annual or more frequent inspections of CMVs. Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (codified at 49 U.S.C. 31137(b)) (Attachment E) requires the Secretary to prescribe regulations on improved standards or methods to ensure that brakes and brake systems of CMV s are inspected by appropriate employees and maintained properly.

49 CFR part 396 (Attachment F) contains all of the regulations which implement these statutory provisions. These regulations place the responsibility upon the motor carrier to ensure that all CMV operated by them, and all CMV parts and accessories required by 49 CFR part 393 (Attachment G) of the Federal Motor Carrier Safety Regulations, are in safe and proper operating condition at all times. The regulations allow motor carriers a great deal of flexibility in their inspection, repair, and maintenance programs. The recordkeeping requirements are minimal and there are no prescribed forms. For some required records, motor carriers may either maintain them or cause a third party to do so. The regulations also permit the motor carrier to establish its own systematic CMV maintenance program on either a mileage or time basis.

The motor carrier industry has never questioned the need to keep CMV maintenance records. In fact, most motor carriers would keep some records without any regulatory requirements to do so. Records of inspection, repair, and maintenance; roadside inspection reports; driver vehicle inspection reports; the documentation of periodic inspections; the evidence of the qualifications of individuals performing periodic inspections; and the evidence of brake inspectors' qualifications contain the minimum amount of information necessary to document that a motor carrier has established a

system of inspection, repair, and maintenance for its equipment which meets the standards in part 396.

Section 4118 of SAFETEA-LU (Public Law 109-59, 119 Stat. 1144, at 1729, August 10, 2005) added new section 31151 (Attachment H), entitled “Roadability,” to subchapter III of chapter 311 of title 49, United States Code. Section 31151(a)(1) requires the Secretary of Transportation to issue regulations to be codified in the Federal Motor Carrier Safety Regulations (FMCSRs) “to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.” The legislation defines “intermodal equipment” as trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. “Intermodal equipment provider” is defined as any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.”

Among other things, the new law requires the following:

- Intermodal equipment that is intended for interchange with motor carriers must be systematically inspected, repaired, and maintained;
- Intermodal equipment providers must maintain a system of maintenance and repair records for such equipment;
- Facilities at which an intermodal equipment provider regularly make equipment available for interchange must have an operational process and space readily available for a motor carrier to have an equipment defect identified repaired or the equipment replaced prior to departure;
- Implementation of a process by which a driver or motor carrier transporting intermodal equipment is required to report to the equipment provider any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned;
- Any actual damage or defect identified by the driver or motor carrier must be repaired before the equipment is made available for interchange, and that repairs of equipment be documented in the maintenance records for such equipment;

This information collection supports the Department of Transportation's strategic goal of safety. The information collection ensures that motor carriers have adequate records to document the inspection, repair, and maintenance of their CMVs, and to ensure that adequate measures are taken to keep their CMVs in safe and proper operating condition at all times. Compliance with the inspection, repair, and maintenance regulations helps to reduce the likelihood of accidents attributable, in whole or in part, to the mechanical condition of the CMV.

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

The information is used by the FMCSA and State officials during compliance and enforcement activities to verify that a motor carrier (and, as proposed, an intermodal

equipment provider) has established an inspection, repair, and maintenance program for its equipment which meets the standards in part 396. During these activities, FMCSA and State officials and representatives examine the information to determine whether the motor carrier systematically inspects, repairs, and maintains all CMVs subject to its control. The systematic program must include routine inspections and maintenance, reporting of vehicle defects by drivers, thorough inspections at least once per year by qualified individuals, and performance of work on brakes by qualified employees.

It is generally recognized that there is a relationship between inspection, repair, and maintenance practices for CMVs and defect-related CMV accidents. CMVs are frequently operated in excess of 100,000 miles annually. Safety professionals, enforcement officials, and employees in the trucking and motorcoach industries recognize the documentation of CMV inspection, repair, and maintenance as an important activity to the furtherance of highway safety. These records are also critically important in determining if a motor carrier's maintenance practices were causal factors' in an accident.

3. Extent of automated information collection:

FMCSA does not require inspection, repair and maintenance information to be submitted to the agency. Motor carriers (and, as proposed, intermodal equipment providers) are required to maintain the information at their facilities and to make the information available if requested during a compliance review or investigation. All records and documents required to be maintained may be photographed and the microfilm retained in lieu of the original record for the required retention period. Also, records may be maintained in an electronic format provided the motor carrier can produce the information required by the regulations. Documents requiring a signature must be capable of replication (i.e., photocopy, facsimile, etc.) in a form that will provide an opportunity for signature verification upon demand (April 4, 1997; 62 FR 16370, 16408). Although 100% of the information could theoretically be collected electronically, FMCSA believes that only 5% is actually collected electronically. 0% of the information is submitted to the agency.

4. Efforts to identify duplication:

Duplicative periodic inspection standards have been identified. Periodic inspection programs of 23 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, and one Canadian Territory were identified as comparable to, or as effective as, the Federal periodic inspection requirements. Federal periodic inspections and the related recordkeeping are not required for motor carriers that comply with these equivalent periodic inspection programs. In addition, CMVs passing certain roadside inspections are considered to have met the requirements of a periodic inspection; there are no periodic inspection;" recordkeeping requirements for these CMVs in most cases. FMCSA is not aware of any other duplicative standards or recordkeeping requirements that apply to motor carriers.

Concerning the proposed regulations for intermodal equipment providers, FMCSA is aware of one State – California – that actively regulates inspection, repair, and maintenance of intermodal equipment, although four other States have regulations on the subject. Section 31151(d) of the Federal legislation preempts “a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety” if it “exceeds or is inconsistent with a requirement imposed under or pursuant to” 49 U.S.C. 31151. In other words, a FMCSA final rule establishing maintenance and related requirements for intermodal equipment would preempt any State or local law or regulation on the same subject. There are exceptions: “[A] State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005” is preempted on the effective date of the final rule adopted under this proceeding [section 31151(e)(1)] unless, notwithstanding section 31151(d), the Secretary of Transportation “determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce” [section 31151(e)(2)(A)]. A State must request a non-preemption determination before the effective date of the FMCSA final rule [section 31151(e)(2)(B)], and no subsequent amendment to a non-preempted requirement may take effect unless it is first submitted to the Secretary, who must find that the amendment is no less effective than the FMCSA requirements and does not unduly burden interstate commerce [section 31151(e)(2)(C)].

5. Efforts to minimize the burden on small businesses:

The current recordkeeping requirements in 49 CFR part 396 currently are applicable only to motor carriers operating CMVs (as defined in 49 CFR 390.5) (Attachment I), and subject to the FMCSRs (49 CFR 390.3) (Attachment I). The agency estimates that there are approximately 678,535 interstate motor carriers subject to the FMCSRs. Each of these motor carriers operate vehicles that (1) have a gross vehicle weight rating or gross weight of 10,001 pounds or more, or (2) are designed or used to transport 16 or more passengers (including the driver), or (3) are used to transport hazardous materials in a quantity requiring placarding of the vehicle. Inspection, repair, and maintenance records, therefore, are not required for vehicles with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less (except trailers used in vehicle combinations with gross combination weight ratings of 10,001 or more pounds), vehicles designed to transport 15 or less passengers, and vehicles transporting non-placarded quantities of hazardous materials. A large number of small businesses operating CMV s in interstate commerce utilize these types of vehicles. FMCSA's Motor Carrier Management Information System (MCMIS) lists 547,077 active motor carriers as of August 2005 that operate between one and six power units (trucks, truck tractors, buses, or motor coaches).

There are no recordkeeping requirements for CMV s leased by motor carriers for less than 30 days. Finally, a motor carrier operating only one CMV is exempt from the driver vehicle inspection report requirements in 49 CFR 396.11 (see Attachment F) The MCMIS lists 325,795 active motor carriers that operate only one CMV.

FMCSA has considered the effects on small entities of the proposed regulatory action concerning intermodal equipment roadability. The legislation calls for the identification and recordkeeping requirements to apply to every intermodal equipment provider that offers equipment for interchange with a motor carrier. The agency has determined on a preliminary basis that the NPRM would not affect a substantial number of small entities that offer intermodal equipment for transportation in interstate commerce. In the Regulatory Impact Analysis that accompanies the NPRM, FMCSA estimated that motor carriers that own, lease, or otherwise control their own chassis over long periods would incur little to no compliance costs as a result of this proposed rule because motor carriers are already subject to § 396.17 (periodic inspection) and § 393.3 (systematic inspection, repair, and maintenance) requirements, and FMCSA research indicated that they already comply for the most part with these regulations.

However, it was estimated that non-motor carrier intermodal equipment providers may incur compliance costs, including those involving recordkeeping, because at least some of these entities may be required to establish systematic IMR programs for the chassis they control as a result of this proposed rule. FMCSA does not believe any of the 108 identified intermodal equipment providers (93 steamship lines, 10 common chassis pool operators, and 5 railroads) are small entities, given the size of operations and the number of chassis they are estimated to control. Furthermore, all 93 steamship lines identified as potential equipment providers are foreign entities and as such, the RFA requirements do not apply to them (although the PRA requirements do). However, it was estimated that the 10 common chassis pool operators may incur significant compliance costs (i.e., possibly exceeding one percent of annual revenues) and the agency prepared an initial regulatory flexibility analysis (IRFA).

6. Impact of less frequent collection of information:

If the recordkeeping were required to be completed less frequently, it would greatly hinder the ability of FMCSA and State officials and representatives to ascertain that CMV s (and, as proposed, intermodal equipment) are satisfactorily maintained. The timely documentation of CMV inspection, repair, and maintenance enables FMCSA and State officials to evaluate the present state of a motor carrier's CMV maintenance program and to check the current level of regulatory compliance at any point in a maintenance schedule or program. However, the agency issued a final rule on June 18, 1998 (63 FR 33254), removing the requirement for the last "driver vehicle inspection report" to be carried on the CMV. This action reduced the time burden for one of the components of the Part 396 information collection requirements (driver vehicle inspection reports) by an estimated 4,661,500 burden hours. The agency determined removing this requirement would not adversely impact safety.

7. Special circumstances:

There are no special circumstances.

8. Compliance with 5 CFR 1320.8:

On October 19, 2005 (70 FR 60874), FMCSA published a notice requesting public comments on the proposed renewal of this information collection. No comments were received from the public in response to this notice.

9. Payments or gifts to respondents:

Respondents are not provided with any payment or gift for this information collection.

10. Assurance of confidentiality:

This information collection involves only one reporting requirement that has no confidentiality implications. All other components of this information collection are recordkeeping requirements. Confidentiality is not an issue for recordkeeping requirements because the motor carrier retains possession of its own records.

11. Justification for collection of sensitive information:

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested:

FMCSA estimates that the current total annual hour burden of the information collection associated with inspection, repair, and maintenance is approximately 59,093,244 hours. The agency estimates revisions associated with the intermodal equipment roadability NPRM would add approximately 121,250 hours, for a revised estimated burden of 59,214,494 hours. A breakdown of this burden follows:

a. Routine Inspection, Repair, and Maintenance Records

Section 396.3 requires every interstate motor carrier to cause all CMVs subject to its control to be systematically inspected, repaired, and maintained. FMCSA estimates there are 24 recordkeeping entries related to these activities on average per year for each CMV. Each entry would take approximately 2 minutes. Pushout windows, emergency doors, and, emergency door marking lights in buses must be inspected at least every 90 days, or 4 times per year. There is one recordkeeping entry for each of the emergency exit inspections for a total of 4 entries per year for each bus. Each entry concerning emergency exit inspections would also take approximately 2 minutes.

The current total hour burden of these records is approximately 3,776,684 hours [(4,419,219 truck-class CMVs + 229,034* buses + 34,429 commercial vans = 4,682,682) x 24 entries x 2 minutes per entry x {1 hour / 60 minutes}] + (229,034 buses x 4 emergency exit tests per bus per year x 1 entry per test x 2 minutes per entry x {1 hour / 60 minutes})].

The additional burden for inspection of intermodal equipment is estimated to be 121,230 hours [808,200 intermodal chassis x 3 minutes/record x (1 hr/60 minutes) x (3 inspections per year)].

The estimated revised burden is $3,776,684 + 121,230 = 3,897,914$ hours.

b. Driver Vehicle Inspection Reports

A driver must prepare a written inspection report at the completion of each day's work on each CMV operated, except when his or her employing motor carrier operates only one CMV. FMCSA estimates that there are 325,795 interstate motor carriers operating one CMV. Some CMV s are not operated on any given day. Based on 1992 Truck Inventory and Use Survey (TIUS) data, the average CMV was in use 33 weeks a year, or 63% of the year. Although this figure includes CMV s used in both interstate and intrastate commerce, it is the best national-level usage data available. For the purposes of estimating this recordkeeping burden, we will round up slightly to a 65% probability that a CMV will be operated on any given day. For days in which a CMV is not operated, an inspection report is not required. For a tractor-trailer combination, only one driver vehicle inspection report is prepared. The agency estimates that 25% of tractor-trailer drivers operate an average of two vehicle combinations per day.

FMCSA estimates the time for a driver to prepare a written inspection report and provide a copy to his/her employing motor carrier is approximately 2.5 minutes on average.

The current hour burden related to the preparation and retention of driver vehicle inspection reports is approximately 48,857,708 hours [(4,682,682 power units* + {2,342,062 truck tractors x 25% portion of tractor-trailer drivers who operate two vehicle combinations in a day} - 325,795 single-CMV operations) x 65% average daily use x 365 days per year x 2.5 minutes x {1 hour / 60 minutes}}].

The proposed roadability rule would require that intermodal equipment providers establish a system for motor carriers and drivers to report to the providers any defects or deficiencies in tendered chassis that would affect the safety of the operation of those chassis or result in its mechanical breakdown on the road. This proposed change potentially requires (1) the establishment of the system, (2) the minimum information that the intermodal provider must obtain from motor carriers and drivers, (3) the corrective actions that must be taken when a chassis is identified as being defective or deficient in some way, and (4) the retention period for all documentation that is generated as a consequence of this system. This requirement would be added to the FMCSRs in a new § 396.12. All of these potential impacts are discussed below.

c. Nature of notification. For the purposes of this analysis, it is assumed that no additional costs will be incurred in order for intermodal providers to receive notification of problems. Because problems with chassis already occur, systems have already been established to address such problems, and because handling such problems expeditiously would appear to be good business practice, it is expected that adequate procedures for notification already exist. Additionally, FMCSA received no information during its data

collection immediately prior to this rulemaking to indicate otherwise, and the agency found such systems already in place during its port visits. Consequently, no additional costs are expected to result.

d. Motor carriers and drivers. For the purposes of this analysis, it is assumed that no additional costs will be incurred in order for intermodal providers to receive notification of problems. Because problems with chassis already occur, systems have already been established to address such problems, and because handling such problems expeditiously would appear to be good business practice, it is expected that adequate procedures for notification already exist. Additionally, FMCSA received no information during its data collection immediately prior to this rulemaking to indicate otherwise, and the agency found such systems already in place during its port visits. Consequently, no additional costs are expected to result.

e. Trouble reports. According to the proposed § 396.12, the report taken by the intermodal chassis provider will need to include the following information:

- The name of the motor carrier responsible for the operation of the chassis at the time the defect or deficiency was discovered by or reported to the driver.
- The USDOT identification number of the motor carrier.
- The date and time the report was submitted
- The defects or deficiencies reported by the motor carrier or driver

Providers may want to collect additional information. For instance, providers may want to know the location of chassis if they are going to need to send a service team or tow truck to the site of the chassis.

As discussed above, chassis currently experience problems that are being reported to intermodal chassis providers. With the possible exception of the USDOT (or other unique) identification number, good business practice would seem to require that all of the information mandated in reports under new § 396.12 be collected currently. Additionally, FMCSA received no information during its data collection immediately prior to this rulemaking to indicate otherwise. Therefore, no additional costs are expected to result from the required trouble reports.

f. Certification of Corrective Action

Section 396.11(c)(1) requires a motor carrier to certify on a driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been corrected or that correction is unnecessary. FMCSA estimates that 95% of driver vehicle inspection reports do not note any deficiency or defect. If no defect or deficiency is noted, no certification is required.

The FMCSA estimates that this certification takes approximately 30 seconds. The hour burden related to this certification is 520,783 hours [5,268,198 CMVs [4,682,682 power units* + {2,342,062 truck tractors x 25% portion of tractor-trailer drivers who operate

two vehicle combinations in a day}}] x 65% average daily use x 365 days per year x 5% notation rate x 30 seconds x {1 hour /3600 seconds}],

After a unit of intermodal equipment for which a trouble report has been submitted returns to the possession of the equipment provider, § 396.12 would mandate that the provider must correct those reported defects or deficiencies in the chassis that make the chassis not roadworthy. Furthermore, before the chassis may be tendered once again to a motor carrier, the provider must document the actions taken to correct the reported defect or deficiency, or must document that such repairs were unnecessary.

FMCSA's understanding is that intermodal chassis providers currently have repair facilities for dealing with chassis that are not roadworthy. Additionally, during its port visits, FMCSA staff identified such facilities at all the terminals it toured. Consequently, § 396.12 would not require the establishment of new facilities nor is there any reason to believe that the new section will necessitate any expansion of existing facilities.

g. Review and Signature of Driver Vehicle Inspection Report

Section 396.13 requires a driver to review the last vehicle inspection report and sign it, if defects or deficiencies were noted by the driver who prepared it, to acknowledge that it was reviewed and that there is a certification that repairs were made or were unnecessary. The time that it would take a driver to review a given inspection report depends on the number of noted defects or deficiencies on the report. As explained above, the vast majority of inspection reports have no noted vehicular defects or deficiencies, It would take a driver approximately 5 seconds to review an inspection report that contains no notations of defects. For an inspection report with notation(s), FMCSA estimates that it takes approximately 15 seconds for a driver to review it and 5 seconds to sign it.

The hour burden related to the driver's review and signature is approximately 1,996,336 hours. This is calculated in two parts. The hour burden related to the driver's review is 1,909,539 hours [(5,268,198 CMVs (see above) x 65% average daily use x 365 days per year x 95% rate of no notations x 5 seconds x {1 hour /3600 seconds}) + (5,268,198 CMVs X 65% average daily use x 365 days per year x 5% notation rate x 15 seconds x {1 hour /3600 seconds})]. The hour burden related to the driver's signature is 86,797 hours [5,268,198 CMVs x 65% average daily use x 365 days per year x 5% notation rate x 5 seconds x {1 hour / 3600 seconds}].

Good business practice for chassis providers and their service departments would include documenting repairs made or documenting that repairs were not made. This information assists those monitoring the cost and work of repair facilities. Information in Tables 9 and 10 of the RIA would seem to confirm that intermodal equipment providers are indeed following good business practice. The proposed § 396.12 would not increase the need for this documentation. It might, however, change the nature of the documentation somewhat. For instance, if a chassis were brought in for a defective wheel and no wheel problem could be found, then current documentation might just say "Checked wheels." Under the proposed § 396.12, the documentation might say "Check wheels after

receiving trouble report from motor carrier. Complete check revealed no problem.” FMCSA believes any change in documentation would be minor and would not materially add to the costs of the providers.

h. Disposition of Roadside Inspection Reports

The driver of any CMV to which a roadside inspection is performed must deliver the inspection report to his/her employing motor carrier. If the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours, the driver must mail the report. Upon any way of receiving the report, the motor carrier must examine it, ensure that all noted violations and defects are corrected, , certify that the violations have been corrected, and return the completed report to the issuing agency. If the report has no noted violations or defects, no certification or return of the report is required. According to the FMCSA's roadside inspection data, 24% of roadside inspections have no noted defects or violations.

There are approximately 3,003,574 roadside inspections conducted annually. The FMCSA , estimates that 45% of the drivers involved in roadside inspections will not return to their motor carrier's facility or terminal within 24 hours of the inspection. The FMCSA estimates that it takes a driver approximately 2 minutes to mail an inspection report to his/her employing motor carrier.

The hour burden related to the mailing of inspection reports by drivers is 34,241 hours (3,003,574 inspections x 76% portion of inspections with violations x 45% (percentage of drivers who do not return within 24 hours) x 2 minutes x [1 hour /60 minutes]).

The time needed for a motor carrier to examine the report depends on the amount of information within the report, but the FMCSA estimates that it takes a motor carrier approximately 5 minutes on average to examine the inspection report, certify that the noted violations have been corrected, mail the certified report, and retain and file a copy. The hour burden related to these activities is 190,226 hours (3,003,574 inspections x 76% portion of inspections with violations x 5 minutes x [1 hour /60 minutes]).

The total hour burden related to the motor carrier disposition is 224,467 hours (34,241 hours + 190,226 hours).

The burdens estimated for the current regulations include the disposition of any records concerning inspection of trailers, including intermodal equipment that is the subject of the roadability NPRM. Consequently, FMCSA anticipates no change in information collection burdens associated with this proposed rule.

i. Periodic Inspection

Section 396.17 prohibits motor carrier from using a CMV unless the CMV has passed an inspection at least once during the preceding 12 months and documentation of such inspection is on the CMV. The original or copy of an inspection report must be retained where the CMV is either housed or maintained. Proof of inspection is required to be

carried on each CMV. The proof can be a copy of the inspection report or an inspection decal.

FMCSA estimates that the time needed to document and retain the inspection report is approximately 3 minutes. CMV s passing roadside or periodic inspections performed under the auspices of a State government, equivalent jurisdiction, or the FMCSA, meeting the minimum standards, are not subject to the inspection requirements in § 396.17.

The hour burden related to the periodic inspection is approximately 3,803,280 hours: 4,682,682 CMVs [4,419,219 truck-class CMVs + 229,034 buses + 34,429 commercial] x 24 entries x 2 minutes per entry x {1 hour /60 minutes}– ([4,682,682 CMVs - 2,290,000 CMVs subject to State- or Canadian province– mandated periodic inspections – 1,250,000 CMVs which meet the periodic inspection requirement by a roadside inspection] x 3 minutes per CMV per year x {1 hour 1 60 minutes}). The number of CMV s includes non-powered units, such as converter dollies, container chassis, etc.

Periodic (annual) inspection is required for every commercial motor vehicle in accordance with current § 396.17 and is intended to complement and be consistent with § 393.3 (systematic) inspection requirements. To the best of the agency’s knowledge, most intermodal container chassis undergo a periodic (annual) inspection as mandated by the current rules. Therefore, FMCSA anticipates no change in the information collection burden associated with the intermodal equipment roadability NPRM.

j. Records of Inspector Qualifications

Motor carriers must retain evidence of an individual's qualifications to perform periodic inspections. There are approximately 678,535 motor carriers subject to the periodic inspection requirements for CMVs. FMCSA estimates that there are approximately two inspectors for every three motor carriers.

However, motor carriers are not required to maintain documentation of inspector qualifications for those inspections performed either as part of a State periodic inspection program or at the roadside as part of a random roadside inspection program. FMCSA estimates that 55% of motor carriers are not required to maintain any documentation of inspector qualifications because this provision. The agency estimates that time needed for a motor carrier to document an inspector's qualifications is approximately 5 minutes on average.

The one-time, non-recurring hour burden related to the documentation of inspector qualifications is approximately 16,972 hours ([678,535 motor carriers x .667 (two inspectors for every three motor carriers) x 45% applicability rate x 5 minutes x [1 hour/60minutes]). It is important to note that this is generally a non-recurring time commitment. Once the motor carrier has documented that the inspector has met the minimum requirements, the motor carrier does not have to update this information.

For intermodal equipment providers subject to the provisions of the NPRM, the agency estimates a maximum burden that assumes these entities do not currently use State-based periodic inspection programs, and that there is one inspector per provider. Thus, the estimated one-time, non-recurring burden would be approximately 9 hours [108 entities x 5 minutes x 1 hr/60 minutes]. This is rounded up to 10 hours.

k. Evidence of Brake Inspector Qualifications

No motor carrier may employ any person as a brake inspector unless; the motor carrier at its principal place of business, or at the location where the brake inspector is employed maintains the evidence of the inspector’s qualifications. If the person who inspects, repairs, services, or maintains the CMV brakes is not an employee of the motor carrier, then the motor carrier is not required to maintain qualification evidence for that person.

There are approximately 678,535 motor carriers subject to the brake inspector requirements. Most large motor carriers employ several brake inspectors and a significant portion of small motor carriers do not employ a brake inspector. The FMCSA estimates there is one brake inspector employed by every three motor carriers on average. The FMCSA estimates that time needed for a motor carrier to document a brake inspector's qualifications is approximately 5 minutes on average.

The one-time, non-recurring, hour burden related to the qualifications of brake inspector is approximately 18,830 hours (678,535 motor carriers X .333 (1 brake inspector per every three motor carriers) x 5 minutes x [1 hour/60 minutes]). As is the case with the inspector who performs the periodic inspection described above, once the motor carrier has documented that the inspector has met the minimum requirements, the motor carrier does not have to update this information.

For intermodal equipment providers subject to the provisions of the NPRM, the agency estimates a maximum burden that assumes these entities do not currently use State-based periodic inspection programs, and that there is one inspector per provider. Thus, the estimated one-time, non-recurring burden would be approximately 9 hours [108 entities x 5 minutes x 1 hr/60 minutes]. This is rounded up to 10 hours.

Estimated Number of Annual Respondents:

Motor carriers: 678,535

Drivers: 6,400,000

Intermodal equipment providers: 108

Estimated Total Annual Burden Hours: 59,214,494

13. Estimate of total annual costs to respondents:

The FMCSA estimates that the total annual cost to the respondents of the information collection, not including costs of associated salaries with the hour burden is approximately \$402,427.

The driver of any CMV to which a roadside inspection is performed must mail the inspection report to his/her employing motor carrier if the driver is not scheduled to return or arrive at the motor carrier's facility or terminal within 24 hours. The cost burden related to the mailing of inspection reports by drivers is \$402,427 [(3,017,144 inspections x 76% portion of inspections with violations x 45% (percentage of drivers who do not return within 24 hours) x \$0.39* postage expense)].

This reflects an increase from the previous estimate of \$367,388. This is due to the January 8, 2006 increase in the cost of first-class postage from 37 to 39 cents.

14. Estimate of cost to the Federal government:

This information collection imposes no cost to the Federal government.

15. Explanation of program changes or adjustments:

Program changes would reflect the proposed requirements as set forth in the NPRM on intermodal equipment roadability.

Adjustments reflect corrections of several arithmetic errors made in computing burden estimates, primarily relating to the computation of burden estimates for the driver-vehicle inspection report. In addition, the 325,795 interstate motor carriers that operate only one CMV, and thus are not required to prepare daily driver vehicle inspection reports, are no longer included in the computation of burden hours relating to: (a) the certification of corrective action; and (b) the review and signature of driver vehicle inspection reports. These differences, in aggregate, total 24,294,988 burden hours.

An adjustment in the estimate of the total annual cost to respondents reflects an increase in postage costs effective January 8, 2006.

16. Publication of results of data collection:

There are no plans to publish this collection of information for statistical use.

17. Approval for not explaining the expiration date for OMB approval:

The FMCSA is not seeking this approval.

18. Exceptions to certification statement:

The FMCSA is claiming no exception to any element of the certification statement identified in Item 19 of OMB Form 83-1.

19. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Attachments

Attachment A – NPRM entitled, “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment”

Attachment B – 49 U.S.C. 31502

Attachment C – 49 U.S.C. 31136

Attachment D – 49 U.S.C. 31142

Attachment E – 49 U.S.C. 31137(b)

Attachment F – 49 CFR part 396

Attachment G – 49 CFR part 393

Attachment H – sec. 4118 of SAFETEA-LU (codified at 49 U.S.C. 31151)

Attachment I – 49 CFR §§ 390.5 and 390.3

/tmp/omb-doc-69e1589ee53176.16541776/input/source.doc
MC-PRR.janet.nunn.last updated per MC-C on 01/30/2006.

/tmp/omb-doc-69e1589ee53176.16541776/input/source.doc 02/10/2006