

Information Collection Clearance

The Supporting Statement

Motor Carrier Identification Report

Introduction: This supporting statement revises the current information collection (IC) entitled, “Motor Carrier Identification Report,” approved by the Office of Management and Budget (OMB) and assigned OMB Control No. 2126-0013. The current total annual burden for this IC is 74, 896 hours and it will expire on July 31, 2007.

The Federal Motor Carrier Safety Administration (FMCSA) is proposing to revise this information collection as part of a program change that would occur through a notice of proposed rulemaking, “Requirements for Intermodal Equipment Providers and Motor Carriers and Driver Operating Intermodal Equipment” (see Attachment A), that would increase the population of entities required to complete an identification report (FMCSA Form MCS-150). FMCSA would require 108 intermodal equipment providers (IEPs) to submit a new form, “Intermodal Equipment Provider Identification Report,” Form MCS-150C (see Attachment B), and to update the form at least once every two years. Information from the Form MCS-150C would be entered into FMCSA’s Motor Carrier Management Information System (MCMIS) concerning data on entities subject to FMCSA regulations, and a U.S. DOT number (a census number used to identify the entity and maintain safety performance information about entities subject to the agency’s regulations) would then be assigned to each IEP. This would increase the total annual burden for this IC by 36 hours for the first year (from 74,896 to 74,932 hours), and by 9 hours for subsequent years (from 74,252 to 74,261 hours).

1. Circumstances that make collection of information necessary.

Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, 119 Stat. 1144, at 1729, August 10, 2005) added new section 31151, entitled “Roadability,” to subchapter III of chapter 311 of title 49, United States Code (See Attachment C). 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 makes 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 IEPs can be identified as being subject to FMCSA's inspection, repair and maintenance requirements, and that the agency has up-to-date information concerning the safety performance of IEPs.

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

The information on the Motor Carrier Identification Report (Form MCS-150) is used by the FMCSA to identify its regulated entities, to help prioritize the agency's activities, to aid in assessing the safety outcomes of those activities and for statistical purposes. The information collected on the proposed Intermodal Equipment Provider Identification Report (Form MCS-150C) would be used for the same purpose.

The information collected on the Form MCS-150C would help ensure that FMCSA has up-to-date information concerning the principal place of business, and the number of intermodal chassis controlled by IEPs, and provide a means for tracking roadside inspection results from enforcement activities conducted by State agencies. The unique identification number assigned to IEPs upon submission of the Form MCS-150C would be used as a reference number for linking safety performance information with the appropriate IEP.

3. Extent of automated information collection.

In response to the Government Paperwork Elimination Act (enacted on October 21, 1998, as title XVII of Public Law 105-277, 112 Stat. 2681) (see Attachment D), the FMCSA will allow all respondents to complete Forms MCS-150 (Application for U.S. DOT Number), MCS-150A (Safety Certification), MCS-150B (HM Permit Application), and MCS-150C

(Intermodal Equipment Provider Identification Report) on-line at the FMCSA web site, <http://www.fmcsa.dot.gov/factsfigs/formspubs.htm>. One hundred percent (**100%**) of the Forms MCS-150, MCS-150A, MCS-150B and MCS-150C may be completed and submitted to the FMCSA on-line.

4. Efforts to identify duplication.

The FMCSA is the only Federal agency with the authority to promulgate and enforce safety regulations applicable to for-hire and private motor carriers (and their commercial motor vehicles (CMVs) and drivers) operating in interstate commerce. We estimate that there are approximately 108 IEPs that control intermodal chassis tendered to motor carriers for transportation in interstate commerce. There are more than 550,000 motor carriers operating CMVs in interstate commerce throughout the United States. FMCSA will coordinate the content and timing of information required in its various information systems as future rulemakings to simplify and combine information systems are implemented.

5. Efforts to minimize the burden on small businesses.

The proposed requirement to submit the “Intermodal Equipment Provider Identification Report,” FMCSA Form MCS-150C, would apply to all IEPs that offer intermodal chassis for transportation in interstate commerce, regardless of size. FMCSA has developed this new form to reduce to the greatest extent practicable, the time and effort that would be required of IEPs to provide the agency with basic information about their operations, rather than to use the existing Form MCS-150 which is significantly longer because it is intended primarily for use by motor carriers and includes more questions or items that IEPs would have to read before determining that the information collection was not applicable to them.

6. Impact of less frequent collection of information.

This information on the MCS-150C would be collected biennially. FMCSA believes that a longer update cycle simply will not provide the agency with the basic data it needs to perform its safety mission efficiently or effectively.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8.

On December 21, 2006, FMCSA published a notice of proposed rulemaking (NPRM) entitled “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment,” concerning requirements for IEPs to establish systematic inspection, repair and maintenance programs for intermodal chassis offered for transportation in interstate commerce. The NPRM included a proposal that IEPs submit an “Intermodal Equipment Provider Identification Report.” FMCSA Form MCS-150C. FMCSA received 10 comments regarding this IC in response to the NPRM, and those

comments will be addressed in a final rule to implement section 4118 of SAFETEA-LU.

9. Payment or gifts to respondents.

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

10. Assurance of confidentiality.

The information collected by the MCS-150C includes the IEP's name, location, type of operation, and the number of intermodal chassis controlled. Confidentiality is not a relevant issue with this information collection.

11. Justification for collection of sensitive information.

There are no questions of a sensitive nature.

12. Estimates of burden hours for information requested.

The IEP inspection, repair and maintenance rulemaking would increase the burden of the currently approved OMB Control No. 2126-0013, "Motor Carrier Identification Report," information collection by extending the data collection to 108 IEPs that offer container chassis for transportation in interstate commerce.

Intermodal equipment providers would file a new Form MCS-150C, which is an abbreviated version of the existing Form MCS-150. FMCSA estimates the Form MCS-150C would take 20 minutes the first time IEPs file this report. The burden hour increase for this collection of information from IEPs is 36 hours (108 IEPs x 20 minutes /60 min/hour = 36 hours).

The FMCSA estimates the biennial update of the Form MCS-150C would take 10 minutes. Accordingly, to collect information on Form MCS-150C for intermodal equipment providers, we estimate the time burden to be 9 hours (108 providers x 50 percent per year filing updates x 10 minutes/60 = 9 hours).

The burden estimate decreases in subsequent years by 673 hours (from 74,932 hours to 74,259 hours) because IEPs (similar to motor carriers filing revisions to their Form MCS-150) would only need to review and update (as necessary) the information concerning the number of chassis they tender, rather than the other demographic information on the form MCS-150.

The estimated number of respondents decreases by 54 respondents in subsequent years (from 552,254 respondents to 549,069 respondents) because IEPs (again, similar to motor carriers) would only be required to update the information on the MCS-150C every 24 months.

Thus, for existing OMB No. 2126-0013, the burden hours would increase in the first year to **74,932 hours** (74,896 current burden hours + 36 hours for the 108 IEPs =74,932), and decrease by 9 hours in subsequent years to **74,259 hours**; and the number of respondents

would increase in the first year to **552,254** (552,146 interstate motor carriers + 108 IEPs submitting the MCS-150C); and decrease by 54 respondents in subsequent years to **549,254 respondents**.

Burden Calculations

Item	Burden Hours First Year	Burden Hours Subsequent Years	Respondents First Year	Respondents Subsequent Years
Existing OMB Control No. 2126-0013 Burden Hours	74,896	74,252	552,146	549,015
Intermodal Equipment Provider Identification Report (MCS-150C)	36	9	108	54
TOTAL	74,932	74,261	552,254	549,069

Total annual burden = 74,932 burden hours (74,896 OMB-approved burden hours + 36 hours for the 108 IEPs that would be covered by the proposed rule).

Summary:

Total number of new respondents: 108

Number of responses expected: 108 first year, 54 each subsequent year.

Total Estimated Annual Respondents/Responses: 552,254 [552,146 approved number of annual respondents/responses + 108 Intermodal Equipment Providers filing Form MCS-150C = 552,254]. **NOTE: The last OMB-approved 5,442,146 annual respondents/responses for this information collection was corrected/adjusted to read 552,146 as indicated in the above chart. This is due to an extra number “5” being inadvertently included in the number of respondents approved for this information collection during the last renewal.**

13. Estimate of total annual cost to respondents.

There are no other costs to respondents if they use the pre-paid return form or submit the information on-line through FMCSA’s Web site.

14. Estimate of cost to the Federal Government.

The number of intermodal equipment providers that would be required to file the Form MCS-150C is estimated to be 108. This amounts to 0.27 percent of the average of 40,000 new entrant motor carriers that file Forms MCS-150/MCS-150A each year, and an increase of less than 0.02 percent of the motor carriers currently identified in the agency’s

information systems. If all intermodal equipment providers were to submit their MCS-150C forms on paper, the estimated maximum additional data entry costs to FMCSA would be \$5.00 per form x 108 forms = \$540.00. Therefore the FMCSA estimates that this new requirement would not materially change the costs of data entry or other costs of information processing.

The total estimated cost to the Federal government was estimated to be \$1,741,480 at the time this information collection budget was last submitted for renewal. In January 2006, the cost for first-class postage increased from \$0.37 to \$0.39. Because the Federal government pays postage on pre-paid return forms, there are costs for forms mailed and forms returned. The increased costs for mailing and return postage for 20,000 forms is estimated at $(20,000 \times 2 \times \$0.02) = \$800$. Therefore, the total estimated annual cost to the Federal government would increase to **\$1,742,280**.

15. Explanation of program changes or adjustments.

This supporting statement revises the information collection burden to accommodate a program change. This program change will require 108 intermodal equipment providers (IEPs) to submit an "Intermodal Equipment Provider Identification Report", FMCSA Form MCS-150C to identify themselves to FMCSA as an equipment provider subject to the rulemaking to implement section 4118 of SAFETEA-LU.

Program change increase: 36 burden hours (74,932 proposed burden hours - 74,896 current burden hours = 36 hours).

In addition, the supporting statement revised the information collection to accommodate a program adjustment in the total annual responses to 552,254 [5,552,146 currently approved number of responses – 5,000,000 error due to an extra number "5" being inadvertently included in the number of responses + 108 Intermodal Equipment Providers submitted Form MCS-150C = 552,254].

16. Publication of results of data collection.

Data provided by this information collection will not be published.

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

The FMCSA is not seeking an exemption from displaying the expiration date for the Form MCS-150, MCS-150A, MCS-150B, or MCS-150C.

18. Exception to certification statement.

There are no exceptions to the certification statement.

Attachments

Attachment A: NPRM entitled, “Requirements for Intermodal Equipment Providers and Motor Carriers and Drivers Operating Intermodal Equipment,” (71 FR 76796) December 21, 2006.

Attachment B: Form MCS-150C, “Intermodal Provider Identification Report.”

Attachment C: Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, 119 Stat. 1144, at 1729, August 10, 2005).

Attachment D: Government Paperwork Elimination Act (GPEA) (Public Law 105-277, 112 Stat. 2681) October 21, 1998.