

**Department of Transportation  
Office of the Chief Information Officer**

**SUPPORTING STATEMENT  
Accident Recordkeeping Requirements**

**Introduction**

The Federal Motor Carrier Safety Administration (FMCSA) submits its revision to a currently-approved information collection (IC) titled, “Accident Recordkeeping Requirements,” covered by OMB Control Number 2126-0009. This IC is currently due to expire on September 30, 2007.

This submission will update the estimated IC burden for the “Assistance in Investigations and Special Studies” item noted in 49 CFR § 390.15 (Attachment A). It is limited to the burden on motor carriers to *collect and retain* certain information about the accidents of its drivers. The burden to *collect and report* the contents of its Accident Register to a third party motor carrier pursuant to that carrier’s driver-hiring process (49 CFR § 391.23(f)) is *not* accounted for in this collection. It is accounted for in a separate IC titled, “Driver Qualification Files,” covered by OMB Control Number 2126-0004.

**Part A. Justification**

**1. Circumstances that make the collection of information necessary.**

Title 49 of the Code of Federal Regulations (CFR), section 390.15 of the Federal Motor Carrier Safety Regulations (FMCSRs), requires motor carriers to make all records and information pertaining to crashes (accidents) specified in paragraphs (b)(1) and (b)(2) of that section available to an authorized representative or special agent of the FMCSA upon request, or as part of an inquiry.

“Accident” is defined as an occurrence involving a commercial motor vehicle (CMV) operating on a public road in interstate or intrastate commerce which results in: (1) a fatality; (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle (49 CFR § 390.5).

Occurrences involving only boarding and alighting from a stationary motor vehicle, or involving only the loading or unloading of cargo are not included in the definition. Although the FMCSA employs the term “crash” in its informational materials to emphasize the preventability of these events, the regulations employ the term “accident,” and that term will be used in this document.

Interstate motor carriers are required to maintain an “accident register” consisting of a list of all accidents (both interstate and intrastate accidents) involving their commercial motor vehicles. The information for each accident must include, at a minimum, the following elements: Date of

accident; city or town in which or most near where the accident occurred and the State in which the accident occurred; driver name; number of injuries; number of fatalities; and whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released. In addition, the register must contain copies of all accident reports required by State or other governmental entities or insurers. Motor carriers maintain the required information about accidents in their accident registers for three years after the date of the accident, instead of the former one year.

This requirement is applicable to all motor carriers operating “commercial motor vehicles” in interstate commerce. The FMCSRs define “commercial motor vehicle” as a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle--

(A) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) Is designed or used to transport more than 8 passengers (including the driver) for compensation;

(C) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) Is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103. (49 CFR 390.5)

This IC supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning the crashes their CMVs are involved in, the FMCSA is strengthening its ability to assess motor carriers’ safety performance and to use that information to help motor carriers to prevent crashes and to reduce their severity.

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

The FMCSA uses accident records to assess the effectiveness of the safety management controls of motor carriers. The FMCSA uses the accident rate of a motor carrier as one of the factors in the Safety Rating Process (Appendix B to 49 CFR part 385) (Attachment C), specifically, the recordable accident rate which the motor carrier has experienced during the 12 months preceding a compliance review (CR). We compute the national average for recordable accidents per million vehicle miles traveled from the CRs performed each year. The national average for all motor carriers rated in fiscal year 2006 was .827 recordable crashes per millions miles traveled, based on CRs completed that year. The figures for prior years were 2001: .806, 2002: .708, 2003: .744, 2004: .780, and 2005: .744. The FMCSA has increased its concentration on motor carriers that pose greater safety improvement needs. After seeing rising crash rates of rated motor carriers in the late 1990s, the more recent figures reflect slightly lower recordable crash rates.

Federal Fiscal	National average, all rated
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Year	
1998	.891
1999	.886
2000	.842
2001	.806
2002	.708
2003	.744
2004	.780
2005	.744

The Safety Performance History of New Drivers final rule, (69 FR 16684), March 30, 2004, created an additional use for the accident history of individual drivers. By that rule, motor carriers are required to provide, upon request by a motor carrier considering one of its former employees for a driver position, the accident history of that individual while in their employ. NOTE: The burden created on the former motor carrier to peruse its files and report the appropriate information to the requesting employer is included in a separate IC titled, "Driver Qualification Files," covered by OMB Control Number 2126-0004. However, the burden of retaining the accident information is a part of this IC (OMB Control Number 2126-0009).

### **3. Extent of automated information collection.**

This is a recordkeeping requirement. Motor carriers usually receive accident information in paper form (driver's reports) or by facsimile. The FMCSA does not prescribe a specific form or format for the accident register. Motor carriers may use any automated methods at their disposal to collect and maintain this information. FMCSA only requires that the motor carrier make the information available for review by an authorized representative or special agent of the FMCSA upon request, or in response to the written inquiry of a different motor carrier considering hiring one of the motor carrier's former driver-employees. All (100%) of the required information collection transactions between FMCSA and the respondents are performed electronically.

### **4. Efforts to identify duplication.**

The FMCSA is the only Federal agency with the authority to enforce safety regulations applicable to CMVs operating in interstate commerce. The information gathered and maintained in this IC is a brief synopsis of information derived from other records related to the accidents involving a motor carrier's CMVs. The sources for these other records may include police accident reports, driver's reports, and correspondence from insurance companies. However, there may be property-damage-only (PDO) accidents that are not documented through other sources. Because many of the FMCSA's decisions associated with the conduct of a CR depend upon the number and severity of accidents the motor carrier's CMVs have been involved in, there is a need for a summary file to provide this information. The accident register fulfills that purpose with minimal demand on the motor carrier. There is no duplication of the accident register.

## **5. Efforts to minimize the burden on small businesses.**

The FMCSRs have for many years required all motor carriers operating CMVs in interstate commerce to provide assistance in investigations and special studies. However, the definition for “accident” is circumscribed, as described under Question 1, above, and in the FMCSA definition contained in 49 CFR § 390.5 it excludes many small accidents from the definition of “recordable.”

The current regulation does not require motor carriers to include accidents in the register if they involve motor vehicles with a gross vehicle weight rating 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 fewer passengers not for compensation, vehicles designed or used to transport 8 or fewer passengers for compensation, and vehicles transporting non-placarded quantities of hazardous materials. A large number of small businesses operating CMVs in interstate commerce utilize these types of vehicles.

The January 11, 2001 regulation (66 FR 2756) “Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs,”(Attachment D) Final Rule requires motor carriers operating vehicles designed or used to transport 9 to 15 passengers, including the driver, for compensation, to report accidents involving those vehicles. However, the FMCSA believes the time burden to maintain the accident register is very low (see item 12), and the agency does not believe it would cause difficulties for responsible motor carriers.

## **6. Impact of less frequent collection of information.**

Each accident is only entered once on the accident register. If the collection were not conducted, the FMCSA would require more time and resources from the motor carriers to examine and assess their accident experience. The register provides ready access to this information, and enables the FMCSA to make a ready determination as to the need for a more in-depth assessment of the detailed records. If neither the register nor the file documents were required, the FMCSA would be unable to exercise appropriate safety and regulatory oversight of motor carriers.

## **7. Special circumstances:**

There are no special circumstances associated with this IC.

## **8. Compliance with 5 CFR 1320.8.**

FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection on April 23, 2007 at 72 FR 20163 (see Attachment E). One comment related to this IC was received in response to the notice (Attachment F).

FMCSA published a notice in the Federal Register on August 24, 2007 with a 30-day public comment period that announced this information would be sent to OMB for approval (see

Attachment G).

Consultation with representatives of the motor carrier and highway safety communities relative to recordkeeping and reporting requirements is an ongoing process. The FMCSA continually strives to streamline the methods of reporting in order to minimize the burden on motor carriers and State agencies while maintaining sufficient information to provide safety oversight.

**9. Payment or gifts to respondents.**

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

**10. Assurance of confidentiality.**

None of the information is considered confidential.

**11. Justifications for collection of sensitive information.**

There are no questions of a sensitive nature.

**12. Estimates of the burden hours for information requested.**

According to FMCSA figures for the year 2005, there are approximately 706,000 truck or bus motor carriers operating in interstate commerce. FMCSA data indicates that in 2005 there were approximately 140,000 accidents (as defined in section 390.5 of the FMCSRs) involving trucks plus 9,800 accidents involving buses. FMCSA estimates that approximately 75 percent of these accidents involved trucks and buses operated by interstate motor carriers. This reduces the number of accidents potentially subject to the Accident Register rule as follows:

140,000 truck accidents x 0.75 = 105,000 truck accidents involving interstate motor carriers

9,800 bus accidents x 0.75 = 7,350 bus accidents involving interstate motor carriers

In addition, school and transit buses are often operated by entities exempt from FMCSA's accident register rule, such as entities that are a part of Federal, State or local governments. FMCSA estimates that only about 25 percent of the bus accidents involving interstate carriers also involve motor carriers subject to the Accident Register requirement. Therefore the number of bus accidents involving interstate motor carriers subject to Accident Register rule is:

$7,350 \times 0.25 = 1,838$

Therefore the total number of accidents subject to the Accident Register requirement is:

$105,000 \text{ truck} + 1,838 \text{ bus} = 106,838$ , or 106,800 (rounded to the nearest hundred).

The FMCSA estimates it takes approximately 18 minutes to gather and review information necessary for completing an entry in the accident register. This revised estimate is derived using an activity-based approach using methods published by the Association of Records Managers and Administrators (ARMA) International. The information required for an entry on an accident register is derived from three sources: the driver, the State highway safety agency responsible for preparing and maintaining accident reports, and the motor carrier's insurance company.

The FMCSA has considered several characteristics of the motor carrier industry in estimating the activity units required to gather and record information for the accident register. Most motor carriers are relatively small. As on August 2005, 71 percent (%) of all interstate truck and bus companies had 3 or fewer power units. Almost half (48%) had just one power unit. As a result, the accident register of the majority of respondents does not contain a great deal of information. Therefore the keeper of the register does not have to undertake a great deal of activity to comply with the accident register regulation. Furthermore, the vast majority of accidents do not involve injury to persons or serious damage to property. Accidents in which no one is injured, and in which the property damage does not require the use of a tow truck, do not have to be included in the accident register (see Item # 1 above).

If a State or an insurance provider requires the motor carrier to keep an accident report outside the FMCSA parameters, it must be placed in the accident register (49 CFR § 390.15(b)(2)). In addition, some motor carriers choose to retain even more detailed minor accidents in the accident register for their own internal control purposes. In neither of these instances does FMCSA prescribe retention of the accident data, and thus it creates no paperwork burden.

Activity, frequency (if not 100%)	# recs	activ unit \$	ext unit\$
Request paper records (driver, state, ins. rpts) (10%)	3	0.6777	0.20331
Retrieve filed paper records	3	0.0457	0.1371
Delivery and pick up of requested record (5%)	1	5.2933	0.264665
Follow-up requests for records (5%)	1	4.1086	0.20543
Create record for accident register	1	0.3652	0.3652
Audit record for accuracy	1	0.1413	0.1413
Duplicate paper records for acc register backup (10%)	3	0.2989	0.08967
File paper records of reports with acc register	3	0.0457	0.1371
Re-file each paper record (10%)	3	0.8114	0.24342
			1.787195

These activity costs are divided by the salary of a clerk (\$6.00 per hour) and multiplied by 60 to arrive at a time estimate of 17.87 minutes per record. This figure is rounded upwards to 18 minutes per record. The time burden estimate is calculated as follows:

**Estimated Total Annual Burden Hours: 32,040** [106,800 accidents in motor carriers' accident registers x 18 minutes/60 to complete entry in accident register = **32,040** hours].

FMCSA included the investigation and reporting requirements of the 2004 "Safety Performance History of New Drivers" final rule in the "Driver Qualification Files" burden (OMB Control Number 2126-0004). The record retention requirements of the 2004 rule are reflected in this Supporting Statement.

### 13. Estimate of total annual costs to respondents.

There is an additional cost for retaining records. The cost for keeping records is \$0.15 per record per year, derived from ARMA costs. Thus, the total additional costs for retaining each of the accident records an additional two years is **\$32,040** [106,800 accidents per year x 2 years x \$0.15 per records = \$32,040].

### 14. Estimate of cost to the Federal government.

This IC does not impose costs on the Federal government.

### 15. Explanation of program changes or adjustments.

The program adjustment decrease of -5,760 annual burden hours is due to a reduction in the number of accident entries in the motor carriers' accident registers from 126,000 to 106,800.

### 16. Publication of results of data collection.

This is a recordkeeping requirement only. FMCSA does not collect any information from motor carriers. Therefore, the FMCSA does not plan to publish any data, since none is collected from the accident registers. FMCSA and State officials review the information maintained by each

motor carrier at the motor carriers' headquarters during compliance reviews and safety investigations.

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

There is no request to not display the expiration date of the OMB approval for this IC.

**18. Exception to certification statement.**

There are no exceptions to the certification statement for this IC.

**Part B. Collections of Information Employing Statistical Methods.**

This IC does not employ statistical methods.

**Attachments**

- A. Title 49 CFR part 390.
- B. Title 49 U.S.C. § 31131.
- C. Title 49 CFR part 385.
- D. Definition of Commercial Motor Vehicle; Requirements for Operators of Small Passenger-Carrying CMVs Final Rule (at 66 FR 2756), January 11, 2001.
- E. Sixty-day Comments Request Federal Register Notice (72 FR 20163), April 23, 2007.
- F. Comment/Reply to 60-day Federal Register Notice.
- G. Thirty-day Comments Request Federal Register Notice (72 FR 48726), August 24, 2007.