

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

**SUPPORTING STATEMENT
Motor Carrier Identification Report**

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) three-year approved clearance for the revised information collection request (ICR) entitled, "Motor Carrier Identification Report," OMB Control Number 2126-0013, which is currently due to expire on January 31, 2008.

Part A. Justification.

1. Circumstances that make collection of information necessary.

The Department of Transportation and Related Agencies Appropriations Act for fiscal year 2002, Public Law 107-87, 115 Stat. 833 dated December 18, 2001 (see Attachment A), directed the agency to issue an interim final rule (IFR) to ensure that new entrant motor carriers are knowledgeable about the Federal Motor Carrier Safety Regulations (FMCSRs) and standards. On May 13, 2002, the agency published an IFR entitled, "New Entrant Safety Assurance Process," (67 FR 31978)(see Attachment B).

All motor carriers (not domiciled in Mexico) applying for the first time to operate in interstate commerce are "new entrants." Such carriers are required to certify that they are knowledgeable about, and will comply with, the FMCSRs (see 49 CFR Part 385 et seq., Attachment C). This must be done in order to receive a U.S. DOT number and begin interstate operations within the United States.

In a supplemental notice of proposed rulemaking (SNPRM) entitled, "Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits," (68 FR 49737) issued on August 19, 2003 (see Attachment D) the FMCSA set forth a proposal that would require **intrastate** motor carriers engaged in the transportation of hazardous materials (estimated initially to be 797)¹ to apply for U.S. DOT numbers and complete Form MCS-150 (but **not** Form MCS-150A (safety certification) because it does not apply to them (see discussion below)).

The "Modified Statutory Option" proposed in the SNPRM and adopted in the final rule increased the annual burden for the OMB Control No. 2126-0013 information collection by extending the data collection to 992 intrastate motor carriers as well (both small and large) that transport the permitted hazardous materials.

¹ The number of intrastate carriers engaged in the transportation of hazardous materials increased from 797 to 992 because the final rule adopted a slightly revised statutory list (referred to as the Modified Statutory Option or expanded list) of additional explosive and toxic by inhalation (TIH) materials that reached certain quantities. Thus, the amount and types of HM and HM permitted carriers regulated under the final rule's permitting system is different from what we proposed in the SNPRM.

On June 30, 2004, FMCSA revised this information collection due to a program change set forth in a final rule entitled, “Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits” (see Attachment E), that increased the population of motor carriers required to complete the Motor Carrier Identification Report—Application for a U.S. DOT number (by adding 992 “intrastate” motor carriers to the total number of carriers engaged in the transportation of hazardous materials because they now must obtain a U.S. DOT number).

This information collection supports the Department’s strategic goal of safety.

2. How, by whom, and for what purpose is the information 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 on the Form MCS-150A entitled, “Safety Certification for Applications for U.S. DOT Number,” is intended to help ensure that new entrant motor carriers are knowledgeable about the Federal motor carrier safety regulations and standards before being granted registration authority to operate in interstate commerce. Under the Form MCS-150A as required by 49 CFR 385.305, the new entrant must certify that it has a system(s) in place to ensure compliance with applicable requirements covering driver qualifications, hours-of-service, controlled substance and alcohol testing, vehicle condition, accident monitoring and hazardous materials transportation. The certification reminds the new entrant of its statutory and regulatory responsibilities, which if neglected or violated, may subject the applicant to civil penalties and lead to the revocation of the new entrant registration. As noted above, “intrastate” motor carriers do not need to complete Form MCS-150A since they are not new entrants.

FMCSA implemented the final rule to require all HM permitted carriers to complete a new Form MCS-150B entitled, “Consolidated Motor Carrier Identification Report and HM Permit Application,” to provide the limited additional information required for issuance of a safety permit to transport hazardous materials. The safety program now requires all HM permitted carriers to complete Form MCS-150B in place of the current Form MCS-150. In addition, HM permitted carriers must complete the MCS-150B in place of the MCS-150 to “renew” both their permit and their U.S. DOT numbers according to the U.S. DOT number renewal schedule in 49 CFR 390.19.

This ICR has been disaggregated into three information collections (ICs) as follow:

- a. IC-1, Form MCS-150, Motor Carrier Identification Report. The Form MCS-150 is filed by all motor carriers conducting operations in interstate or international commerce within 90 days after beginning operations.
- b. IC-2, Form MCS-150A, Safety Certification for Application. The Form MC-150A is filed by new entrants to certify that they are in compliance with FMCSA safety regulations.
- c. IC-3, Form MCS-150B, Combined Motor Carrier Identification and HM Permit Application. The Form MC-150B is filed by interstate motor carriers that transport the permitted hazardous

materials.

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 F), the FMCSA will allow all respondents to complete Forms MCS-150 (Application for U.S. DOT Number), MCS-150A (Safety Certification) and MCS-150B (HM Permit Application) 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 and MCS-150B can now be completed and submitted to the FMCSA on-line. The estimated percentage of the forms submitted to FMCSA on-line are as follow:

On-line Submissions of MCS-150 Forms

Forms	Adds	Changes
MCS-150	70%	40%
MCS-150A	80%	N/A
MCS-150B	60%	85%

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.

The ICC Termination Act of 1995 (the ICCTA) (Public Law 104-88, 109 Stat. 803 (December 29, 1995)) (Attachment G), eliminated the Interstate Commerce Commission (ICC), transferred certain ICC functions to the DOT, and established a registration system to replace the licensing system previously administered by the former ICC. The ICCTA requires interstate, for-hire motor carriers of property and passenger carriers, property brokers and freight forwarders to register with the Secretary of Transportation (Secretary) to provide such transportation or related services, and directs the Secretary to register such entities when minimum prescribed criteria are met. Pursuant to the ICCTA, the Secretary, in cooperation with the States, and after notice and opportunity for public comment, is directed to issue regulations to replace this registration system, as well as DOT's current identification number system, the single State registration system, and the financial responsibility information system, with a unified on-line, Federal system.

On August 26, 1996, the agency published an advance notice of proposed rulemaking (61 FR 43816) (Attachment H) concerning the development of a comprehensive Motor Carrier Replacement Information/Registration System, also known as the "Unified Carrier Registration" (UCR) system. Because of the complexity of the UCR, as well as the significant changes that would be needed to be made to the agency's procedures and to its information management systems, the notice of proposed rulemaking for the UCR continues under development. The UCR is intended to serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with the DOT, as well as a mechanism to provide information on safety fitness and compliance with required levels of financial responsibility.

On May 19, 2005, the agency published a notice of proposed rulemaking (70 FR 28990) (Attachment I) proposing a revised registration system. The Unified Registration System would apply to every motor carrier, freight forwarder and broker required to register with DOT under 49 CFR § 390.19 or 49 U.S.C. 13901, except Mexico-domiciled motor carriers registering to operate between Mexico and points in the United States beyond border commercial zones along the U.S.-Mexico international border. The FMCSA will coordinate the content and timing of information required in its various information systems as it develops the URS to ensure that it obtains timely and accurate information, while avoiding potential duplication of information.

5. Efforts to minimize the burden on small businesses.

The DOT Appropriations Act for fiscal year 2002, Public Law 107-87, 115 Stat. 833, December 18, 2001(Attachment A) directed the agency to issue an interim final rule to ensure that new entrant motor carriers are knowledgeable about Federal safety standards and regulations. This certification by the motor carrier is one tool employed by the agency to ensure that the new entrant motor carriers are aware of our regulations. The requirement to submit the report applies to all motor carriers conducting operations in interstate commerce regardless of size.

6. Impact of less frequent collection of information.

This information on the MCS-150B is collected biennially. The 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 November 7, 2007, FMCSA published a notice in the Federal Register (72 FR 62895) (Attachment J) with a 60-day comment period announcing its intention to seek OMB review and approval to revise this ICR. No comments were received in response to this notice. On January 17, 2008, FMCSA published a notice in the Federal Register (73 FR 3317) (See Attachment K) with a 30-day comment period that announced that FMCSA was sending this ICR to OMB for approval.

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-150B includes the motor carrier's name, location, type of operation, hazardous material(s) transported, and the company's certification that they have a

system to adequately communicate and track shipments of hazardous materials. Confidentiality of the motor carrier information collected will be protected to the extent allowed by the Freedom of Information Act (FOIA), 5 U.S.C. § 552 as amended.

11. Justification for collection of sensitive information.

There are no questions of a sensitive nature.

12. Estimates of burden hours for information requested.

The annual burden hours estimates are based on motor carrier applications data derived from FMCSA’s Motor Carrier Management Information System (MCMIS). FMCSA estimates that the respondents will complete the Form MCS-150 as follow: (1) 20 minutes for Adds; (2) 10 minutes for Biennial updates; and (3) 5 minutes for Changes.

IC-1: Form MCS-150, Motor Carrier Identification Report

MCS-150	Adds	Biennial Updates	Changes	Total Responses	Number of Companies
Interstate Carriers	53,060	199,130	171,700	423,890	271,970
Intrastate Hazmat Carriers	1,160	2,390	1,580	5,130	3,640
Intrastate Non-Hazmat Carriers	49,840	41,440	15,590	106,870	73,590
Other (Shipper & Registrants)	36,500	25,820	17,230	79,550	53,290
Total	140,560	268,780	206,100	615,440	402,490

Estimated Total Annual Burden: 108,825 hours [(140,560 adds (new forms) x 20 minutes/60 minutes) complete form + (268,780 biennial updates x 10 minutes/60 minutes) to complete biennial update + (206,100 changes x 5 minute/60 minutes) to complete a change request = 108,825].

Estimated Annual Number of Respondents: 402,490 motor carrier companies.

Estimated Annual Number of Responses: 615,440

FMCSA estimates that the respondents will take 9 minutes to complete the Form MCS-150A.

IC-2: Form MCS-150A, Safety Certification for Application for U.S. DOT Number

Form	Adds	Changes	Number of Companies
MCS-150A	68,700	N/A	68,700

Estimated Total Annual Burden: 10,305 hours [68,700 adds x 9 minutes/60 minutes to complete form = 10,305].

Estimated Annual Number of Respondents: 68,700 motor carrier companies.

Estimated Annual Number of Responses: 68,700.

FMCSA estimates that the respondents will take the following times to complete the Form MCS-150B: (1) 6 minutes for Adds, and (2) 5 minutes for Changes.

IC-3: Form MCS-150B, Combined Motor Carrier Identification Report and HM Permit Application

Form	Adds	Changes	Total Responses	Number of Companies
MCS-150B	1,060	410	1,470	1,280

Interstate motor carriers already must complete the MCS-150 and will only incur an additional 6-minute burden to check off a few additional boxes on the MCS-150B form. It is estimated that the respondents will take 5 minutes on average to complete a change request.

Estimated Total Annual Burden: 140 hours [1,060 Adds x 6 minutes/60 minutes to complete form + 410 Changes x 5 minutes/60 minutes to complete a change request = 140].

Estimated Annual Number of Respondents: 1,280 motor carrier companies.

Estimated Annual Number of Responses: 1,470 [1,060 adds + 410 changes = 1,470].

Estimated Total Annual Burden for ICR: 119,270 hours [108,825 hours for IC-1 + 10,305 hours for IC-2 + 140 hours for IC-3 = 119,270].

NOTE: The last OMB-approved 5,552,146 annual responses for this ICR was corrected to read 552,146[5,552,146- 5,000,000 = 552,146] for this revision. This is due to an extra number “5” being inadvertently included in the number of responses approved for this information collection during the last approved revision.

Estimated Total Number of Annual Respondents for ICR: 472,470 [402,490 respondents for IC-1 + 68,700 respondents for IC-2 + 1,280 respondents for IC-3 = 472,470].

Estimated Total Number of Annual Responses for ICR: 685,610 [615,440 responses for IC-1 + 68,700 responses for IC-2 + 1,470 responses for IC-3 = 685,610].

13. Estimate of total annual cost to respondents.

There are no other costs to respondents if they use the pre-paid return form.

14. Estimate of cost to the Federal Government.

The FMCSA estimates that it takes a clerk 2 to 9 minutes per form to process a form at a hourly rate of \$27.96. In addition, the Federal Government also pays printing and postage costs for pre-paid return forms.

Burden Calculations

ITEMS	IC-1 MCS-150	IC-2 MCS-150A	IC-3 MCS-150B	TOTAL
Printing of pre-paid forms	\$ 684	\$ 684	\$ 88	\$ 1,456
Postage for pre-paid forms	4,674	4,674	599	9,947
Return postage	4,674	4,674	599	9,947
Data entry for Form MCS-150	1,756,540	-		1,756,540
Data entry for Form MCS-150A	-	256,114		256,114
Data entry for Form MCS-150B	-		6,519	6,519
Total Estimated Annual Costs	\$1,766,572	\$266,146	\$7,805	\$2,040,523

IC-1, Form MCS-150

Printing of pre-paid forms: 11,400 forms x \$0.06 per form = \$684

Postage for pre-paid forms: 11,400 forms x \$0.41 per form = \$4,674

Return postage: 11,400 forms x \$0.41 per form = \$4,674.

Data entry for Form MCS-150: 140,560 Adds x 8 minutes/60 minutes x \$27.96 per hour + 268,780 Biennial Updates x 5 minutes/60 minutes x \$27.96 per hour + 650,510 Changes x 2 minute/60 minutes x \$27.96 per hour = \$1,756,540.

Note: FMCSA estimate that it will take 2 - 8 minutes to process a Form MCS-150 at a hourly rate of \$27.97 for a clerk.

Estimated Annual Costs for IC-1: \$1,766,572 [\$684 printing of pre-paid forms + \$4,674 postage for pre-paid forms + \$4,674 return postage + \$1,756,540 data entry = \$1,766,572].

IC-2, Form MCS-150A

Printing of pre-paid forms: 11,400 forms x \$0.06 per form = \$684

Postage for pre-paid forms: 11,400 forms x \$0.41 per form = \$4,674

Return postage: 11,400 forms x \$0.41 per form = \$4,674

Data entry for Form MCS-150A: 68,700 Adds x 8 minutes/60 minutes x \$27.97 per hour = \$256,114.

Note: FMCSA estimate that it will take 8 minutes to process a Form MCS-150 at a hourly rate of \$27.97 for a clerk.

Estimated Annual Costs for IC-2: \$266,146 [\$684 printing of pre-paid forms + \$4,674 postage for pre-paid forms + \$4,674 return postage + \$256,114 data entry = \$266,146].

IC-3, Form MCS-150B

Printing of pre-paid forms: 1,460 forms x \$0.06 per form = \$88

Postage for pre-paid forms: 1,460 forms x \$0.41 per form = \$599

Return postage: 1,460 forms x \$0.41 per form = \$599

Data entry for Form MCS-150: 1,060 Adds x 9 minutes/60 minutes x \$27.96 + 890 Changes x 5 minutes/60 minutes x \$27.96 per hour = \$6,519.

Note: FMCSA estimate that it will take 5 - 9 minutes to process a Form MCS-150B Add or Change request at a hourly rate of \$27.97 for a clerk.

Estimated Annual Costs for IC-3: \$7,805 [\$88 printing of pre-paid forms + \$599 postage for pre-paid forms + \$599 return postage + \$6,519 data entry = \$7,805].

Estimated Total Annual Costs for ICR: \$2,040,523 [\$1,766,572 for IC-1 + \$266,146 for IC-2, + \$7,805 for IC-3 = \$2,040,523].

15. Explanation of program changes or adjustments.

This revision resulted in a program adjustment increase of 44,374 annual burden hours [119,270 revised burden hours -74,896 OMB-approved burden hours = 26,815] due to an increase in the number of responses from 552,146 to 685,610 for all of the forms.

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 on the Forms MCS-150, MCS-150A or MCS-150B.

18. Exception to certification statement.

There are no exceptions to the certification statement.

Attachments

Attachment A. Public Law 107-87, 115 Stat. 833, December 18, 2001.

Attachment B. IFR entitled, "New Entrant Safety Assurance Process," (67 FR 31978), May 13, 2002.

Attachment C. 49 CFR 385, entitled, "Safety Fitness Procedures," June 30, 2004.

Attachment D. SNPRM entitled, "Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits," (68 FR 49737), August 19, 2003.

Attachment E. A Final Rule entitled, "Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits," (69 FR 39350), June 30, 2004.

Attachment F. Government Paperwork Elimination Act, Public Law 105-277, 112 Stat. 2681, October 21, 1998.

Attachment G. ICC Termination Act of 1995 (the ICCTA), Public Law 104-88, 109 Stat. 803, December 29, 1995.

Attachment H. ANPRM entitled, "Motor Carrier Replacement Information/Registration System," (61 FR 43816) August 26, 1996.

Attachment I. NPRM entitled, "Unified Registration System," (70 FR 28990), May 19, 2005.

Attachment J. 60-day comments request Federal Register notice (72 FR 62895), November 7, 2007.

Attachment K. 30-day comment request Federal Register notice (73 FR 3317), January 17, 2008.

Forms MCS- 150, MCS-150A, and MCS-150B.

Part B. Collections of Information Employing Statistical Methods.

This information collection does not employ statistical methods.