

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

**SUPPORTING STATEMENT**

**Designation of Agents, Motor Carriers, Brokers and Freight Forwarders**

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection (IC) entitled, "Designation of Agents, Motor Carriers, Brokers and Freight Forwarders" (OMB Control No. 2126-0015, that is currently due to expire on April 30, 2008).

**Part A. Justification.**

1. Circumstances that make collection of information necessary.

The Federal Motor Carrier Safety Administration (FMCSA) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. § 13902; surface freight forwarders under the provisions of 49 U.S.C. § 13903; and property brokers under the provisions of 49 U.S.C. § 13904. These entities may conduct transportation services only if they are registered pursuant to 49 U.S.C. § 13901. Registered motor carriers, brokers and freight forwarders must designate: (1) An agent upon whom service of notices in proceedings before the Secretary of Transportation (Secretary) may be made (49 U.S.C. § 13303, Attachment A); and (2) for every State in which they operate, agents upon whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. § 13304, Attachment B). Regulations governing the designation of process agents are found at 49 CFR part 366, entitled "Designation of Process Agent" (Attachment C). The designation of agents for service of process is filed with the FMCSA on Form BOC-3, entitled "Designation of Agent for Service of Process" (Attachment D). Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by the carrier, freight forwarder, or broker at its principal place of business.

This information collection supports the DOT's Strategic Goal of Safety by providing motor carriers a means to register and comply with the statutory registration requirements for for-hire motor carriers, freight forwarders and brokers and by facilitating recovery, in their own jurisdictions, of damages suffered by third parties resulting from the operations of these transportation entities.

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

Information contained on the completed form BOC-3 identifies a process agent for each State in which the motor carrier, freight forwarder or broker will operate. These process agents are authorized by the transportation entity to accept, on its behalf, legal process or notice in agency and court proceedings. Persons considering bringing legal actions against a carrier, freight forwarder, or broker may obtain the name of its process agent in a particular State by contacting

the FMCSA.

3. Extent of automated information collection.

The Government Paperwork Elimination Act (GPEA) requires that agencies provide for the option of electronic submission of information and the use of electronic signatures, when practicable. Approximately **98 percent** of the Form BOC-3s filed with FMCSA are submitted electronically by “blanket” agents. “Blanket” agents are associations or corporations who have provided FMCSA with a list of process agents for each State. They have 100 percent capability to file their information electronically with the FMCSA. These companies provide process agents nationally to motor carriers for a fee. FMCSA is continuing to encourage motor carriers to use a “blanket” agent.

4. Efforts to identify duplication.

There is no similar filing made with any other Federal agency which would result in duplication of this information.

5. Efforts to minimize the burden on small businesses.

The FMCSA registration application package includes an explanation of the process agent requirement and a list of blanket agent filing companies. Any small business applicants who designate their own individual process agents on Form BOC-3 are only required to submit a limited amount of information. This information includes the docket number, date, name and address of the carrier, title and signature of the authorized filer, and identification of its process agents. This is the minimum information necessary to meet the statutory requirements relating to the designation of process agents.

6. Impact of less frequent collection of information.

The Form BOC-3 is submitted to meet a statutory requirement for registration applicants. It is filed on an “as-needed” basis and cannot be done less frequently.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8.

The FMCSA published a notice in the Federal Register on December 26, 2007 (72 FR 73061, Attachment E) advising the public of its intent to seek renewed OMB approval of this information collection. No comments were received from the public in response to this notice.

FMCSA published a notice in the Federal Register on March 20, 2008 (73 FR 15043) with a 30-day public comment period that announced this information would be sent to OMB for its review and approval (see Attachment F).

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

There is no assurance of confidentiality. The Form BOC-3 calls for information identifying process agents in all States in which a motor carrier, freight forwarder or broker operates. The BOC-3 forms that are filed with the FMCSA become part of a public docket and are open to the public for review.

11. Justification for collection of sensitive information.

The information requested and collected is not of a sensitive nature.

12. Estimate of burden hours for information requested.

The estimated annual burden hours for this information collection are 14,833 hours.

FMCSA estimates that approximately 89,000 registrants will take 10 minutes to file Form BOC-3 annually. The form is filed on an “as needed” basis, and there is no continuing information collection function associated with the form. The form requires very limited information that is readily available to the filer. It is estimated that the annual burden hour for executing the form and mailing it to the FMCSA is 14,833 hours [10 minutes per filing x 89,000 filers/60 = 14,833].

**Estimated Annual Burden: 14,833 hours.**

The FMCSA estimates that the average hourly rate of pay for persons completing the Form BOC-3 is \$30.00. The total annual salary cost burden associated with the filings is \$444,990 [\$30 x 14,833 hours = \$444,990].

13. Estimate of total annual costs to respondents.

Approximately 2 percent of the 89,000 annual filings are mailed to the FMCSA. The cost of postage for motor carriers who decide to mail the Form BOC-3 to the FMCSA is calculated as follows:

$$1,780 \text{ annual filings} \times \$ .42 \text{ postage for each filing} = \$ 747.60.$$

**Estimated Annual Costs to Respondents: \$748.00 (\$747.60 rounded \$748.00).**

14. Estimate of cost to the Federal government.

Form BOC-3 is processed by Transportation Assistants. The average hourly rate of pay for these employees is \$15, and FMCSA estimates that processing each Form BOC-3 takes approximately 5 minutes. The estimated annual cost to the Federal government for processing 89,000 of these

forms is \$ 111,250 (89,000 forms x 5 minutes/60 hour x \$15 =\$111,250).

**Estimated Annual Cost to Federal Government: \$111,250.**

15. Explanation of program changes or adjustments.

The program adjustment increase of 9,833 annual burden hours [14,833 estimated burden hours - 5,000 currently-approved burden hours = 9,833] is due to an increase in the estimated number of annual filings from 30,000 to 89,000 based upon updated data obtained from FMCSA's Licensing & Insurance Uniface system. Costs to respondents were accordingly adjusted for increases to postage and decreases in the numbers of annual filings that are mailed to the FMCSA.

16. Publication of results of data collection.

The information collected is not intended for publication for statistical purposes.

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

The FMCSA is seeking approval not to display the expiration date of OMB's approval of the information collection. It would be inappropriate since the forms are expected to be in use for a number of years and, generally, large numbers of the forms are printed and widely distributed.

18. Exceptions to certification statement.

There are no exceptions to the certification statement.

ATTACHMENTS:

- A. Title 49 U.S.C. § 13303, Service of notice in proceedings.
- B. Title 49 U.S.C. § 13304, Service of process in court proceedings.
- C. Title 49 CFR part 366, Designation of Process Agent.
- D. Form BOC-3, entitled "Designation of Agents for Service of Process."
- E. Sixty-day comment request Federal Register notice, dated December 26, 2007 (72 FR 73061).
- F. Thirty-day comment request Federal Register notice, dated March 20, 2008 (73 FR 15043).

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

This ICR does not employ statistical methodologies.